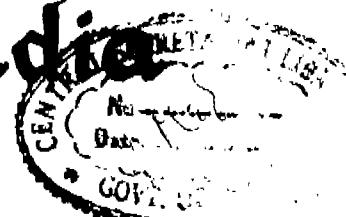




भारत का राजपत्र

The Gazette of India

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सं. 8]

नई दिल्ली, प्राविदार, फरवरी 24, 1996/फाल्गुन 5, 1917

No. 8] NEW DELHI, SATURDAY, FEBRUARY 24, 1996/PHALGUNA 5, 1917

इस भाग में भिन्न पाँच संख्या दी जाती है जिससे कि यह वस्तु संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-Section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किये गये सार्विधिक आदेश और अधिसूचनाएँ।

Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

विधि, न्याय और कम्पनी कार्य मंत्रालय

(विधि कार्य विभाग)

(न्यायिक अनुभाग)

सूचना

नई दिल्ली, 12 जनवरी, 1996

का. आ. 492.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्रीमती पटनी इन्द्रायनी राजन, प्लॉकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे नामिक सिटी (महाराष्ट्र) में व्यवसाय करने के लिए नोटरी के रूप नियुक्ति पर किसी भी प्रकार का आपेक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से भेरे पास भेजा जाए।

[सं. 5(13)/96-न्यायिक]

पी. सी. कण्णन, सक्षम प्राधिकारी

MINISTRY OF LAW, JUSTICE & COMPANY
AFFAIRS

(Department of Legal Affairs)
(Judicial Section)

NOTICE

New Delhi, the 12th January, 1996

S.O. 492.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Smt. Patani Indravani Rajan, Advocate for appointment as a Notary to practise in Nashik City (Maharashtra).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5 (13)/96-Judl.]
P. C. KANNAN, Competent Authority

सूचना

नई दिल्ली, 12 जनवरी, 1996

का. आ. 493.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री गिरराज सिंह वर्मा, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे मथुरा कोर्ट (उत्तर प्रदेश) में व्यवसाय करने के लिए नोटरी के रूप नियुक्ति पर किसी भी प्रकार का आपेक्षा इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5(14)/96-न्यायिक]

पी. सी. कण्णन्, सक्षम प्राधिकारी

NOTICE

New Delhi, the 12th January, 1996

S.O. 493.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Sh. Girraj Singh Verma, Advocate for appointment as a Notary to practise in Mathura Courts (U.P.).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5 (14)/96-Judl.]

P. C. KANNAN, Competent Authority

सूचना

नई दिल्ली, 12 जनवरी, 1996

का. आ. 494.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री प्रेम चन्द्र, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे जिला न्यायालय कैथल (हरियाणा) में व्यवसाय करने के लिए नोटरी के रूप नियुक्ति पर किसी भी प्रकार का आपेक्षा इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5(15)/96-न्यायिक]

पी. सी. कण्णन्, सक्षम प्राधिकारी

NOTICE

New Delhi, the 12th January, 1996

S.O. 494.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been

made to the said Authority, under Rule 4 of the said Rules, by Shri Prem Chaudhary, Advocate for appointment as a Notary to practise in Distt. Courts Kaithal (Haryana).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5 (15)/96-Judl.]

P. C. KANNAN, Competent Authority

सूचना

नई दिल्ली, 12 जनवरी, 1996

का. आ. 495.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री कापू शशिधर पूजारी, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे बम्बई (महाराष्ट्र) में व्यवसाय करने के लिए नोटरी के रूप नियुक्ति पर किसी भी प्रकार का आपेक्षा इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5(16)/96-न्यायिक]

पी. सी. कण्णन्, सक्षम प्राधिकारी

NOTICE

New Delhi, the 12th January, 1996

S.O. 495.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Sh. Kaapu Shashidhar Poojary, Advocate for appointment as a Notary to practise in Bombay (Maharashtra).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5 (16)/96-Judl.]

P. C. KANNAN, Competent Authority

सूचना

नई दिल्ली, 12 जनवरी, 1996

का.आ. 496.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री रमेश कुमार गुप्ता, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है

कि उसे कपूरथला (पंजाब) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आपेक्षा इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5(17)/96-न्यायिक]
पी. सी. कण्णन्, सक्षम प्राधिकारी

NOTICE

New Delhi, the 12th January, 1996

S.O. 496.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Sh. Ramesh Kumar Gupta, Advocate for appointment as a Notary to practise in Kapurthala (Punjab).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5 (17)/96-Judl.]

P. C. KANNAN, Competent Authority

सूचना

नई दिल्ली, 15 जनवरी, 1996

का. आ. 497.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री अनिरुद्ध मुखर्जी, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उस जिला न्यायालय हुगली (पश्चिम बंगाल) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आपेक्षा इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5(18)/96-न्यायिक]
पी. सी. कण्णन्, सक्षम प्राधिकारी

NOTICE

New Delhi, the 15th January, 1996

S.O. 497.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Sh. Aniruddha Mukherjee, Advocate for appointment as a Notary to practise in Distt. Courts at Hooghly (West Bengal).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5 (18)/96-Judl.]

P. C. KANNAN, Competent Authority

सूचना

नई दिल्ली, 15 जनवरी, 1996

का.आ. 498 नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री असित कुमार गुप्ता, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे अलीपुर कोटी (पश्चिम बंगाल) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आपेक्षा इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5 (19)/96-न्यायिक]

पी.सी. कण्णन्, सक्षम प्राधिकारी

NOTICE

New Delhi, the 15th January, 1996

S.O. 498.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Sh. Asit Kumar Gupta, Advocate for appointment as a Notary to practise in Alipore Court West Bengal.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5 (19)/96-Judl.]

P. C. KANNAN, Competent Authority

सूचना

नई दिल्ली, 15 जनवरी, 1996

का.आ. 499 नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है है कि श्री कृष्ण मोहन शर्मा, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे कोटा जिला (राजस्थान) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आपेक्षा इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5(20)/96-न्यायिक]

पी.सी. कण्णन्, सक्षम प्राधिकारी

NOTICE

New Delhi, the 15th January, 1996

S.O. 499.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Sh. Krishan Mohan Sharma, Advocate for appointment as a Notary to practise in Kota Distt. (Rajasthan).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5 (20) 196-Judl.]

P. C. KANNAN, Competent Authority

मूल्यना

नई दिल्ली, 15 जनवरी, 1996

का.आ. 500.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह मूल्यना दी जाती है है कि श्री हर स्वरूप ठाकुर, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे लक्ष्मी नगर राष्ट्रीय राजधानी दिल्ली क्षेत्र में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस मूल्यना के प्रकाशन के बोद्ध दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[स. 5(21) 196-न्यायिक]

पी.सी. कण्णन, सक्षम प्राधिकारी

NOTICE

New Delhi, the 15th January, 1996

S.O. 500.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Sh. Har Saroop Thakur, Advocate for appointment as a Notary to practise in Laxmi Nagar, NCT of Delhi.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5 (21) 196-Judl.]

P. C. KANNAN, Competent Authority

गृह मंत्रालय

(पुनर्वास प्रभाग)

नई दिल्ली, 6 फरवरी, 1996

का.आ. 501.—नियाति हिं (पृथक्करण) अधिनियम, 1951 (1951 का 14) को धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, लघुवाद न्यायालय के न्यायाधीश को, अपने स्वर्य के दायित्वों के अतिरिक्त उक्त अधिनियम के अधीन कार्यों का नियादन करने सथा शक्तियों का प्रयोग करने के उद्देश्य से, तत्काल प्रभाव से राष्ट्रीय राजधानी क्षेत्र, दिल्ली का सक्षम प्राधिकारी नियुक्त करती है।

2. इसके द्वारा दिनांक 29 सितम्बर, 1994 की अधिसूचना संख्या 1 (2)/विशेष सैल/92-बन्दोबस्त (ख) का अधिक्रमण किया जाता है।

[संख्या 1 (2)/विशेष सैल/92-बन्दोबस्त]

आर.एस. आहुजा, अवर सचिव

MINISTRY OF HOME AFFAIRS

(Rehabilitation Division)

New Delhi, the 6th February, 1996

S.O. 501.—In exercise of the powers conferred by sub-Section (1) of Section 4 of the Evacuee Interest (Separation) Act, 1951 (LXIV of 1951), the Central Government hereby appoints Judge, Small Cause Court, Delhi as Competent Officer, for National Capital Territory of Delhi, for the purpose of performing the functions and exercising the power under the said Act, in addition to his own duties, with immediate effect.

2. This supersedes Notification No. 1(2)/Spl.Cell/92-Settlement (B) dated the 29th September, 1994.

[No. 1(2)/Spl.Cell/92-Settlement]

R. S. AHUJA, Under Secy.

नई दिल्ली, 7 फरवरी, 1996

का.आ. 502.—केन्द्रीय सरकार, सरकारी स्थान (प्राधिकारीयों की फेरबदल) अधिनियम, 1971 (1971 का 40) को धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, दिनांक 1-1-96 से श्री के.सी.मिश्रा, सहायक निदेशक, सहायक आसूचना ब्यूरो, भुवनेश्वर को जो सरकार के राजपत्रित प्राधिकारी है, उक्त अधिनियम के प्रयोजनों के लिए सम्पदा प्राधिकारी नियुक्त करती है और यह निर्देश देती है कि उक्त प्राधिकारी, सहायक आसूचना ब्यूरो, भुवनेश्वर के नियन्त्रणाधीन सभी सरकारी वासस्थिति के सम्बन्ध में उक्त अधिनियम द्वारा या उसके अधीन सम्पदा प्राधिकारी को प्रदत्त शक्तियों का प्रयोग और अधिरोपित कर्तव्यों का पालन करेगा।

[नं.-1/सी-2/96(भुवनेश्वर)-1/पी.एफ. 5-56]

वी. के. सेठी, डैस्क प्राधिकारी (पी.एफ.-5)

New Delhi, the 7th February, 1996

नई दिल्ली, 13 फरवरी, 1996

S.O. 502.—In exercise of the powers conferred by Section 3 of the Public Premises (eviction of un-authorised occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints Shri K. C. Mishra, Assistant Director, Subsidiary Intelligence Bureau, Bhubaneshwar, a Gazetted Officer of the Government, to be the Estate Officer w.e.f. January 1, 1996 for the purposes of the said Act and directs that the said officer shall exercise the powers conferred and perform the duties, imposed on the Estate Officer by or under the said Act, in respect of all Government accommodation at Bhubaneshwar under the control of Subsidiary Intelligence Bureau, Bhubaneshwar.

[No. 1/CH/96(Bhub)-1/PF.V]

V. K. SETHI, Desk Officer/PFV

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 13 फरवरी, 1996

का. आ. 503.—केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निम्नलिखित अपराधों को विली विशेष पुलिस स्थापना द्वारा अन्वेषित किया जाने वाले अपराधों के रूप में विनिर्दिष्ट करती है, यथा —

(क) भारतीय प्रतिभूति विनियम बोर्ड अधिनियम, 1992 की धारा 24 के अत्यंत दंडनीय अपराध ;

(ख) ऊपर नणित अपराधों में से किसी एक अथवा अधिक में संबंधित या संसक्त प्रयत्नों, बुण्डेरणों तथा षडयंत्रों और वैसे ही संब्यवहार के अनुक्रम में किया गया कोई अन्य अपराध अथवा किये गए अन्य अपराध ।

[संख्या 228/4/96 - ए. वी. डी. - II]

एस. सौंदर राजन, अवार सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSION

(Department of Personnel and Training)

New Delhi, the 13th February, 1996

S.O. 503.—In exercise of the powers conferred by Section 3 of Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government hereby specified the following offences as the offences which are to be in investigated by the Delhi Special Police Establishment, namely:—

(a) Offence punishable under Section 24 of the Securities Exchange Board of India Act, 1992 ;

(b) Attempts, abetments, and conspiracies in relation to or in connection with one or more of the offences mentioned above and any other offences or offences committed in the course of same transaction.

[No. 228/4/96-AVD.II]

S. SOUNDER RAJAN, Under Secy.

का. आ. 504 केन्द्रीय सरकार, दंड प्रक्रिया संहिता, 1973 (1973 का अधिनियम सं. 2) की धारा 24 की उपदारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, श्री ए. बी. बेलगाल, अधिवक्ता, मुम्बई को निवारण न्यायालय में दिल्ली विशेष पुलिस द्वारा संस्थापित मामला सं. आर. सी. एम. 2, 3, 4/ई-82 कलकत्ता का और महाराष्ट्र राज्य में विधि द्वारा स्थापित पुर्नलोकन या अपील न्यायालयों में, इन मामलों में उद्भूत होने वाली अपीलों, पुनरीक्षणों या अन्य मामलों का, जिन्हें पूर्वोक्त धारा के उपलब्ध लागू होते हैं, संचालन करने के लिए विशेष लोक अभियोजक नियुक्त करती है।

[संख्या 225/44/95 - ए. वी. डी. - II]

एस. सौंदर राजन, अवार सचिव

New Delhi, the 13th February, 1996

S.O. 504.—In exercise of the powers conferred by sub-section (8) of section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Central Government hereby appoints Shri A. B. Belgai, Advocate, Bombay as Special Public Prosecutor for conducting cases RCs. 2, 3, 4[B] 82-Calcutta instituted by the Delhi Special Police Establishment, in Trial courts and appeal, revisions or other matters arising out of these cases in revisional or appellate courts established by law in State of Maharashtra to which the provisions of the aforesaid section apply.

[No. 225/44/95-AVD.II]

S. SOUNDER RAJAN, Under Secy.

वित्त मंत्रालय

(राजस्व विभाग)

नई दिल्ली, 16 जनवरी, 1996

(मुख्यालय स्थापना)

का. आ. 505.—केन्द्रीय राजस्व बोर्ड अधिनियम 1963 (1963 का 54) के खण्ड 4 के उप खण्ड (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, भारतीय सीमा शुल्क और केन्द्रीय उत्पाद शुल्क सेवा के अधिकारी श्री एस. डी. मोहिने, जो इससे पूर्व बम्बई में मुख्य आयुक्त (केन्द्रीय उत्पाद शुल्क) के पद पर तैनात थे, को दिनांक 15 जनवरी, 1996 (पूर्वाह्न) से और अगला आदेश होने तक केन्द्रीय उत्पाद शुल्क और सीमा शुल्क बोर्ड में सदस्य के पद पर नियुक्त करती है।

[पा. सं. ए-19011/1/96-प्रश्ना. I]

बी. के. मेहता, अवार सचिव

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 16th January, 1996

(HEADQUARTERS ESTABLISHMENT)

S.O. 505.—In exercise of the powers conferred by sub-section (1) of Section 4 of the Central Board of Revenue Act, 1963 (No. 54 of 1963), the Central Government hereby appoints Shri S.D. Mohile, an Officer of Indian Customs & Central Excise Service and formerly posted as Chief Commissioner (Central Excise) Bombay as Member of the Central Board of Excise and Customs with effect from the forenoon of the 15th January, 1996 and until further orders.

[F. No. A-19011/1/96-Ad.II
B. K. MEHTA, Under Secy.

(व्यव विभाग)

नई दिल्ली, 5 फरवरी, 1996

का.आ. 506.—10 जनवरी, 1996 की समसंबद्धक अधिसूचना में आधिक संशोधन करते हुए भविष्य निधि अधिनियम की अनुसूची में “सामग्री एवं इलैक्ट्रॉनिक प्रौद्योगिकी केन्द्र” नाम के जिस सार्वजनिक संस्थान को ग्रामिल किया गया था, एवं इसे संशोधित स्तर में निम्नानुसार पढ़ा जाएः

“इलैक्ट्रॉनिक्स प्रौद्योगिकी सामग्री केन्द्र”

[स. 4(1)संस्था-5/95(1)]

के. गुर्टु, निदेशक

(Department of Expenditure)

New Delhi, the 5th February, 1996

S.O. 506.—In partial modification of the notification of even No. dated 10th January, 1996 adding thereby to the Schedule of the PF Act, 1925 the name of the Public Institution, namely “CENTRE FOR MATERIALS AND ELECTRONICS TECHNOLOGY” may be correct as under :

“CENTRE FOR MATERIALS FOR ELECTRONICS TECHNOLOGY”.

[No. 4(1)-EV/95 (1)]

K. GURTU, Director

(आधिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 5 फरवरी, 1996

का.आ. 507—राष्ट्रीयकृत बैंक (प्रबन्ध और प्रकीर्ण उपबंध) स्कीम, 1970 के खण्ड 3 के उपखण्ड (i) के साथ पठित बैंककारी कम्पनी (उपक्रमों का अंजन एवं अंतरण) अधिनियम, 1970 की धारा 9 की उपधारा 3 के खण्ड (ग) द्वारा प्रदत्त अनियतों का प्रयोग करते हुए, केन्द्रीय सरकार, एटदारा, श्री बी.एस. शर्मा, मुख्य महाप्रबन्धक, प्रशासन और कार्यालय प्रबन्धन विभाग, भारतीय रिजर्व बैंक, को श्री आर. बैंकटेशन के स्थान पर बैंक ग्राफ बड़ोदा के निदेशक के स्तर में नामित करती है।

[म. एफ. 9/18/95-वी.ओ.-I]

के.के. मंगल, अवर सचिव

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 5th February, 1996

S.O. 507.—In exercise of the powers conferred by clause (c) of sub-section 3 of section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 read with sub-clause (1) of clause 3 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government hereby nominates Shri B. S. Sharma, Chief General Manager Department of Administration and Personnel Management, Reserve Bank of India, Bombay as a Director of Bank of Baroda vice Shri R. Venkatesan.

[F. No. 9/18/95-B.O.I]

K. K. MANGAL, Under Secy.

शुद्धि पत्र

नई दिल्ली, 5 फरवरी, 1996

का.आ. 508.—भारत के राजपत्र (असाधारण) के भाग II, खण्ड 3, उपखण्ड (ii) में प्रकाशित भारत सरकार, वित्त मंत्रालय (आधिक कार्य विभाग) (बैंकिंग प्रभाग) की दिनांक 3 अप्रैल, 1995 की अधिसूचना का.आ. 289(अ) के पृष्ठ 2 के पहले कालम की पंक्ति 4 में “स्कीम” के स्थान पर “(संशोधन) स्कीम” पढ़ा जाए।

[एफ.स. 4/1/94-वी.ओ. 1(i)]

के.के. मंगल, अवर सचिव

CORRIGENDUM

New Delhi, the 5th February, 1996

S.O. 508.—In the notification of the Government of India in the Ministry of Finance (Department of Economic Affairs) (Banking Division) No. S.O. 289(E) dated the 3rd April, 1995 published at page 5 of the Gazette of India, Extraordinary, Part-II-Section 3-Sub-section (ii), in the first column, in line 11 for “Scheme” read “(Amendment) Scheme”.

[F. No. 4/1/94-B.O.I(i)]

K. K. MANGAL, Under Secy.

लृपि: पा.

नई दिल्ली, 5 फरवरी, 1996

का.आ. 509 भारत के राज्यत (अमाधारण) भाग II, खण्ड 3, उपखण्ड (ii) में प्रकाशित भारत सरकार, वित्त मंत्रालय (प्राथिक कार्य विभाग), (वैकाश प्रभाग) का दिनांक 3 अप्रैल, 1995 की अधिसूचना या.आ. 290(म) के पृष्ठ 7 के 5हों वालों को पंक्ति 10 में "स्कोर" के स्थान पर "मंसोग्रन्त" स्कोर" पढ़ा जाए।

[एफ.सं. 4/1/94-बी.आ. 1(ii)]

के.के. मंगल, अवर सचिव

CORRIGENDUM

New Delhi, the 5th February, 1996

S.O. 509.—In the English version of the notification of the Government of India in the Ministry of Finance (Department of Economic Affairs) (Banking Division) No. S.O. 290(E) dated the 3rd April, 1995 published at page 9 of the Gazette of India, Extraordinary, Part-II Section 3-Sub-section (ii) in line 11 for "Scheme" read "(Amendment) Scheme".

[F. No. 4/1/94-B.O.I.(ii)]

K. K. MANGAL, Under Secy.

नई दिल्ली, 5 फरवरी, 1996

का.आ. 510.—भारतीय रिजर्व बैंक की संस्तुति पर, बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, केन्द्र सरकार, एसद्वारा, घोषणा करती है कि आदर्श जनता सहकारी बैंक लि., पर 31 मार्च, 1995 की समाप्त वर्ष के लिए उसके द्वारा उसके तुलनात्मक, लाभ-हानि लेखे एवं लेखा परीक्षक की रिपोर्ट समाचार पत्रों में प्रकाशित करने के संबंध में बैंककारी विनियमन सहजारे समितियां नियमावली, 1966 के नियम 10 के साथ पठित उक्त अधिनियम की धारा 31 के उपर्युक्त लागू नहीं होंगे।

[सं. एफ. 1(2)/96-ए.सी.]

बी.ए. नारायणन, अवर सचिव

New Delhi, the 5th February, 1996

S.O. 510.—In exercise of the powers conferred by section 53 read with section 56 of the Banking Regulation Act, 1949 (10 of 1949) the Central Government on the recommendation of Reserve Bank of India hereby declares that the provisions of Section 31 of the said Act read with Rule 10 of

the Banking Regulation (Cooperative Societies) Rules, 1966 shall not apply to Adarsh Janata Sahakari Bank Ltd., in so far as they relate to the publication of their balance sheet and profit and loss account for the year ended 31st March, 1995 with the auditor's report in a newspaper.

[F. No. 1(2)/96-AC]
B. A. NARAYANAN, Under Secy.

नई दिल्ली, 6 फरवरी, 1996

का.आ. 511.—भारतीय रिजर्व बैंक की संस्तुति पर, बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) को धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, केन्द्र सरकार, एसद्वारा घोषणा करती है कि दि वैभव को-ऑपरेटिव बैंक लि., बम्बई पर 31 मार्च, 1995 को समाप्त वर्ष के लिए उसके द्वारा उसके तुलनात्मक, लाभ-हानि लेखे एवं लेखा परीक्षक की रिपोर्ट समाचार पत्रों में प्रकाशित करने के संबंध में बैंककारी विनियमन सहजारे समितियां नियमावली, 1966 के नियम 10 के साथ पठित उक्त अधिनियम की धारा 31 के उपर्युक्त लागू नहीं होंगे।

[सं. एफ. 1(3)/96-ए.सी.]
बी.ए. नारायणन, अवर सचिव

New Delhi, the 6th February, 1996

S.O. 511.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949) the Central Govt. on the recommendation of Reserve Bank of India hereby declares that the provisions of Section 31 of the said Act read with rule 10 of the Banking Regulation (Cooperative Societies) Rules, 1966 shall not apply to Vaibhav Cooperative Bank Ltd., Bombay, in so far as they relate to the publication of their balance sheet and profit and loss account for the year ended 31st March, 1995 with the auditor's report in newspaper.

[F. No. 1(3)/96-AC]
B. A. NARAYANAN, Under Secy.

(राजस्व विभाग)

आदेश

नई दिल्ली, 8 फरवरी, 1996

का.आ. 512.—भारत सरकार के संयुक्त सचिव ने जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा के अधीन आदेश का. सं. 673/313/91-सी.पू. 8, दिनांक 8-7-1991 को यह निदेश जारी किया था कि श्री भगवानदास हरिकिशन अग्रवाल सपुत्र श्री हरिकिशन अग्रवाल पता : एफ-55, बाली नगर, नई दिल्ली-110015 को निरुद्ध कर निया जाए और केन्द्रीय कारागार, तिहाड़, नई दिल्ली में अभिरक्षा में रखा जाए नाकि उसे भविष्य में विदेशी मुद्रा के संरक्षण के प्रतिकूल कोई भी कार्य करने में रोका जा सके।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिससे उक्त भ्रादेश का निष्पादन नहीं हो सके;

3. अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देता है कि पूर्वोक्त व्यक्ति इस भ्रादेश के शासकीय राज्यव में प्रकाशन के 7 दिन के भीतर पुनिस आपूर्ति, दिल्ली के सभी हाजिर हो।

[फा. सं. 673/313/91-सी. श. -8]

रूप चन्द, अवार सचिव

(Department of Revenue)

ORDER

New Delhi, the 8th February, 1996

S.O. 512.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued Order F. No. 673/313/91-Cus.VIII dated 8-7-1991 under the said sub-section directing that Shri Bhagwandas Harikishan Aggarwal S/o Shri Harikishan Aggarwal R/O F-55, Bali Nagar, New Delhi-110015 be detained and kept in custody in the Central Prison, Tihar, New Delhi with a view to preventing him from acting in any manner prejudicial to the conservation of foreign exchange in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of the power conferred by clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Delhi within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/313/91-Cus.VIII]

ROOP CHAND. Under Secy.

भ्रादेश

नई दिल्ली, 8 फरवरी, 1996

का. आ. 513.—भारत सरकार के संयुक्त सचिव ने जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा के अधीन भ्रादेश फा. सं. 673/109/95-सी. श. 8, दिनांक 15-11-1995 को यह निर्देश जारी किया था कि श्री प्रमोद किशोरपरिया सुप्रब्र श्री सागरमल किशोरपरिया, फ्लैट नं.- 2 डी, 3 हंगर फोर्ट स्ट्रीट, कलकत्ता-16 को निरुद्ध कर दिया जाए और केन्द्रीय कारागार, प्रैसीडेंसी जेल, अलीपुर, कलकत्ता में अधिरक्षा में रखा जाएं ताकि उसे भविष्य में माल की तस्करी करने से रोका जा सके।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिससे उक्त भ्रादेश का निष्पादन नहीं हो सके;

3. अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का

प्रयोग करते हुए, यह निर्देश देता है कि पूर्वोक्त व्यक्ति इस भ्रादेश के शासकीय राज्यव में प्रकाशन के 7 दिन के भीतर पुनिस आपूर्ति/आयरेक्टर जनरल पुनिस, कलकत्ता के सभी हाजिर हो।

[फा. सं. 673/109/95-सी. श. -8]

ए. के. सिंहा, अवार सचिव

ORDER

New Delhi, the 8th February, 1996

S.O. 513.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F. No. 673/109/95-Cus.VIII dated 15-11-1995 under the said sub-section directing that Shri Pramod Kishorepuria, /o Shri Sagarmal Kishorepuria, Flat No. 2-D, 3 Hunger Foit Street, Calcutta-16 be detained and kept in custody in the Presidency Jail, Alipore, Calcutta with a view to preventing him from smuggling goods in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of the power conferred by clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commission/Director General of Police, Calcutta within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/109/95-Cus. VIII]

A. K. SINHA, Under Secy.

(आर्थिक कार्य विभाग)

(बंकिंग प्रभाग)

नई दिल्ली, 9 फरवरी, 1996

का. प्रा. 514.—बैंककारी विभाग अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रवत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, एतद्वारा घोषणा करती है कि उक्त अधिनियम की धारा 19 की उप-धारा (2) के उपबंध, यनाइटेड बैंक आफ इंडिया, कलकत्ता पर अधिसूचना की तारीख से 25 ज्लाई, 1997 तक दो वर्षों की अवधि के लिए उस सीमा तक लागू नहीं होगे जहाँ तक उनका संबंध गिरवीदार के रूप में मैसर्स एस्काल इण्डिया प्रा. लि. के पूँजी की उसकी धारिता से है।

[सं. 15/2/96-बी.ओ.ए.]

बी. एल. सचेवा, अवार सचिव

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 9th February, 1996

S.O. 514.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government on the recommendations of the Reserve Bank of India, hereby declares that the provisions of sub-section (2) of Section 19 of the said Act shall not apply to United Bank of India, Calcutta, for a period of two years upto 25th July, 1997 in respect of its holding shares of M/s. Escal India Private Limited as pledgee.

[No. 15/2/96-B.O.A.]

B. L. SACHDEVA, Under Secy.

नई दिल्ली, 9 फरवरी, 1996

का. आ. 515.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, एतद्वारा घोषणा करती है कि उक्त अधिनियम की धारा 19 की उपधारा (2) के उपबंध युनाइटेड बैंक आफ इंडिया, कलकत्ता पर, 8 जून, 1997 तक की अवधि के लिए उस सीमा तक लागू नहीं होंगे जहां तक उनका संबंध मैसर्स लुज इलैक्ट्रिकल्स प्रा. लिमिटेड में गिरवीदार के रूप में उसकी शेयरधारिता से है।

[संख्या 15/1/96—बी. ओ. ए.]

बी. एल. सचदेव, अवर सचिव

New Delhi, the 9th February, 1996

S.O. 515.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of the sub-section (2) of Section 19 of the said Act shall not apply to United Bank of India, Calcutta, for a period upto 8th June, 1997 in so far as they relate to its holding of the shares of M/s. Lug Electricals (P) Ltd. as pledgee.

[No. 15/1/96-B.O.A.]

B. L. SACHDEVA, Under Secy.

नई दिल्ली, 12 फरवरी, 1996

का. आ. 516.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, एतद्वारा, घोषणा करती है कि उक्त अधिनियम की धारा 19 की उपधारा (2) के उपबंध, युनाइटेड बैंक आफ इंडिया, कलकत्ता पर 13 नवम्बर, 1997 तक उस सीमा तक लागू नहीं होंगे, जहां तक उनका संबंध गिरवीदार के रूप में मैसर्स बंगल एनामेल वर्क्स लि. की शेयरधारिता से है।

[सं. 15/3/96—बी. ओ. ए.]

बी. एल. सचदेव, अवर सचिव

New Delhi, the 12th February, 1996

S.O. 516.—In exercise of the powers conferred by the section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendations of the Reserve Bank of India, hereby declares that the provisions of Section 19(2) of the said Act, shall not apply to the United Bank of India, Calcutta, upto 13th November, 1997 in respect of its holding of shares of M/s. Bengal Enamel Works Limited, as pledgee.

[No. 15/3/96-BOA]

B. L. SACHDEVA, Under Secy

वाणिज्य मंत्रालय

(विवेश व्यापार महानिवेशालय)

नई दिल्ली, 6 फरवरी, 1996

का. आ. 517—मैसर्स इंडियन होटल्स कं. लि., ताजमहल इंटरकॉर्टी-नेट्वर्क, ताज एयर फेटर्स, बम्बई को 8, 10, 88, 811/- मूल का आयत लाइसेंस संख्या पी/सीजी/2133892, दिनांक 31-1-95 जारी किया गया था संलग्न मूली में वी गई मर्वों के आयत हेतु जिसका मूल बाद में बढ़ा कर रु. 8,12,74,001/- कर दिया गया था।

फर्म ने उपर्युक्त लाइसेंस की विनियम नियंत्रण प्रति की दुप्पत्तिके लिए इस अधिकार पर जारी करने का अनुरोध किया है कि लाइसेंस की मूल विनियम नियंत्रण प्रति खो गई/प्रस्तानत्य हो गई है। इसके प्रलापा यह भी कहा गया है कि लाइसेंस की विनियम प्रति बम्बई गोमाण्डल सदन के पास पंजीकृत थी तथा रु. 7,22,74,001/- हेतु उपयोग किया गया है और 90,00,000/- का उपयोग करना शेष रह गया है।

प्रत्यने कथन के समर्थन में, लाइसेंसधारक ने नोटरी पब्लिक, दिल्ली के समझ बकायदा शपथ लेकर हनफनमाय दर्शित किया है, मैं तदनुमार संतुष्ट हूं कि लाइसेंस को मूल विनियम नियंत्रण प्रति फर्म द्वारा खो गई है प्रथमा अस्थानत्य हो गई है। यथान्योधित विवेश व्यापार (विकास और विनियमन) अधिनियम, 1992 की उपधारा 9(2) के तहत प्रदत्त शक्तियों का प्रयोग फर्मने हुए उक्त फर्म मैसर्स इंडियन होटल्स कं. लि. बम्बई को आई की गई मूल सीमाण्डल प्रयोगन प्रति संख्या पी/सीजी/2133892, दिनांक 31-1-95 को एतद्वारा रद्द किया जाता है।

उक्त लाइसेंस की दुप्पत्तिके विनियम प्रयोगन प्रति पार्टी को अलग से जारी की जा रही है।

[संख्या 18/1023/ए एम "95/ईपीसीजी - III/1548]

डा. श्रीमती माया डी. केम, उप निवेशक

MINISTRY OF COMMERCE

(Office of the Director General of Foreign Trade)

New Delhi, the 6th February, 1996

S.O. 517.—Taj Mahal Intercontinental Taj Air Centre M/s. Indian Hotels Co. Ltd., Bombay were granted an import licence No. P/CG/2133892 dated 31-1-95 for Rs. 8,10,88,811/- which was subsequently enhanced to Rs. 8,12,74,001/- for import of items as per enclosed list.

The firm has applied for issue of Duplicate copy of the Exchange control copy of the above mentioned licence on the ground that the original Exchange control copy of the licence has been lost or misplaced. It has further been stated that the Exchange copy of the licence was registered with the Bombay Customs House and has been utilised for Rs. 7,22,74,001/- leaving a balance of Rs. 90,00,000/-.

In support of their contention, the licence has filed an affidavit on stamped paper duly sworn in before a Notary public, Delhi. I am accordingly satisfied that the original Exchange Control copy of I. L. has been lost or misplaced by the firm. In exercise of the powers conferred under sub-clause 9(2) of the Foreign Trade (Development and Regulation) Act 1992 as amended the said original custom purpose copy No. P/CG/2133892 dated 31-1-95 issued to the said firm M/s. Indian Hotels Co. Ltd. Bombay is hereby cancelled.

The duplicate exchange purpose copy of the said licence is being issued to the party separately.

[No. 18/1023/AM'95/EP/CG-III/1548]

DR. MRS. MAYA D. KEM, Dy. Director

नागरिक पूर्ति, उपभोक्ता मामले और सार्वजनिक वितरण मंत्रालय

(भारतीय मानक व्यूरो)

नई दिल्ली, 23 जनवरी, 1996

का.प्रा. 518.—भारतीय मानक व्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खंड “ख” के अनुसरण में भारतीय मानक व्यूरो एतद्वारा अधिसूचित करता है कि नीचे दिये गये मानक(कों) में संशोधन किया गया है/किये गये हैं।

प्रनुसूची

क्रम संख्या	संशोधित भारतीय मानक की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तारीख
(1)	(2)	(3)	(4)
1.	आई एस 133: 1993	संशोधन सं. 1, नवम्बर 1995	1995-11-30
2.	आई एस 1171: 1988	संशोधन सं. 3 नवम्बर, 1995	1995-11-30
3.	आई एस 1668: 1975	संशोधन सं. 2, नवम्बर 1995	1995-11-30
4.	आई एस 2519: 1983	संशोधन सं. 1, दिसम्बर 1995	1995-12-31
5.	आई एस 2521: 1984	संशोधन सं. 1, दिसम्बर 1995	1995-12-31
6.	आई एस 3411: 1985	संशोधन सं. 3, नवम्बर 1995	1995-11-30
7.	आई एस 4668: 1985	संशोधन सं. 2, दिसम्बर 1995	1995-12-31
8.	आई एस 5149: 1977	संशोधन सं. 1, दिसम्बर 1995	1995-12-31
9.	आई एस 5754: 1988	संशोधन सं. 1, दिसम्बर 1995	1995-12-31
10.	आई एस 6356: 1993	संशोधन सं. 1, दिसम्बर 1995	1995-12-31
11.	आई एस 7123: 1993	संशोधन सं. 1, दिसम्बर 1995	1995-12-31
12.	आई एस 7220: 1974	संशोधन सं. 1, दिसम्बर 1995	1995-12-31
13.	आई एस 7884: 1992	संशोधन सं. 1, दिसम्बर 1995	1995-12-31
14.	आई एस 7898: 1981	संशोधन सं. 2, दिसम्बर 1995	1995-12-31
15.	आई एस 8108: (भाग 1): 1984	संशोधन सं. 1, दिसम्बर 1995	1995-12-31
16.	आई एस 8108 (भाग 2): 1984	संशोधन सं. 1, दिसम्बर 1995	1995-12-31
17.	आई एस 8323: 1977	संशोधन सं. 2, दिसम्बर 1995	1995-12-31
18.	आई एस 8361: (ई) 1977	संशोधन सं. 2, दिसम्बर 1995	1995-12-31

(1)	(2)	(3)	(4)
19.	आई एस 8481 : 1993	संशोधन सं. 1, दिसम्बर 1995	1995-12-31
20.	आई एस 8944 : 1978	संशोधन सं. 3, दिसम्बर 1995	1995-12-31
21.	आई एस 8954 : 1978	संशोधन सं. 3, दिसम्बर 1995	1995-12-31
22.	आई एस 9355 : 1980	संशोधन सं. 3, दिसम्बर 1995	1995-12-31
23.	आई एस 9636 : 1988	संशोधन सं. 1, दिसम्बर 1995	1995-12-31
24.	आई एस 9878 : 1981	संशोधन सं. 3, दिसम्बर 1995	1995-12-31
25.	आई एस 9997 : 1991	संशोधन सं. 1, दिसम्बर 1995	1995-12-31
26.	आई एस 10665 : 1982	संशोधन सं. 1, दिसम्बर 1995	1995-12-31
27.	आई एस 10925 : 1984	संशोधन सं. 1, दिसम्बर 1995	1995-12-31
28.	आई एस 11032 : 1984	संशोधन सं. 1, दिसम्बर 1995	1995-12-31
29.	आई एस 11483 : 1995	संशोधन सं. 1, दिसम्बर 1995	1995-12-31
30.	आई एस 11486 : 1985	संशोधन सं. 1, दिसम्बर 1995	1995-12-31
31.	आई एस 12590 : 1988	संशोधन सं. 1, दिसम्बर 1995	1995-12-31
32.	आई एस 12739 : 1989	संशोधन सं. 1, दिसम्बर 1995	1995-12-31
33.	आई एस 12915 : 1990	संशोधन सं. 2, दिसम्बर 1995	1995-12-31
34.	आई एस 13227 : 1991	संशोधन सं. 1, दिसम्बर 1995	1995-12-31
35.	आई एस 13242 : 1991	संशोधन सं. 1, दिसम्बर 1995	1995-12-31
36.	आई एस 13334 (भाग 2) : 1992	संशोधन सं. 2, नवम्बर 1995	1995-11-30
37.	आई एस 13920 : 1993	संशोधन सं. 1, नवम्बर 1995	1995-11-30
38.	आई एस 14151 (भाग 2) : 1994	संशोधन सं. 1, दिसम्बर 1995	1995-12-31

इन संशोधनों की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002 और क्षेत्रीय कार्यालयों बम्बई, कलकत्ता, चण्डीगढ़ तथा मद्रास और गांधी कार्यालयों अहमदाबाद, अंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, फरीदाबाद, गाजियाबाद, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, लखनऊ, पटना तथा तिल्कनल्लापुरम में ब्रिक्सी हेतु उपलब्ध हैं।

MINISTRY OF CIVIL SUPPLIES CONSUMER AFFAIRS & PUBLIC DISTRIBUTION

(Bureau of Indian Standards)

New Delhi, the 23rd January, 1996

S.O. 518—In pursuance of clause (b) of Sub-rule (1) of Rule (1) of Rule 7 of the Bureau of Indian Standards Rules 1987, the Bureau of Indian Standards hereby notifies that amendment(s) to the Indian Standard(s), particulars of which is/are given in the Schedule hereto annexed, has/have been issued:

THE SCHEDULE

Sl. No. and year of the Indian Standard(s) No. amended	No. and year of the amendment	Date from which the amendment shall have effect	
(1)	(2)	(3)	(4)
1. IS 133 :1993	Amendment No. 1 November 1995	95-11-30	
2. IS 1171 :1988	Amendment No. 3 November 1995	95-11-30	
3. IS 1668 :1975	Amendment No. 2 November 1995	95-11-30	
4. IS 2519 :1983	Amendment No. 1 December 1995	95-12-31	
5. IS 2521 :1984	Amendment No. 1 December 1995	95-12-31	
6. IS 3411 :1985	Amendment No. 3 November 1995	95-11-30	
7. IS 4668 :1985	Amendment No. 2 December 1995	95-12-31	
8. IS 5149 :1977	Amendment No. 1 December 1995	95-12-31	
9. IS 5754 :1988	Amendment No. 1 December 1995	95-12-31	
10. IS 6356 :1993	Amendment No. 1 December 1995	95-12-31	
11. IS 7123 :1993	Amendment No. 1 December 1995	95-12-31	
12. IS 7220 :1974	Amendment No. 1 December 1995	95-12-31	
13. IS 7884 :1992	Amendment No. 1 December 1995	95-12-31	
14. IS 7898 :1981	Amendment No. 2 December 1995	95-12-31	
15. IS 8108 (Part 1) :1984	Amendment No. 1 December 1995	95-12-31	
16. IS 8108 (Part 2) :1984	Amendment No. 1 December 1995	95-12-31	
17. IS 8323 :1977	Amendment No. 2 December 1995	95-12-31	
18. IS 8361 E :1977	Amendment No. 2 December 1995	95-12-31	
19. IS 8481 :1993	Amendment No. 1 December 1995	95-12-31	
20. IS 8944 :1978	Amendment No. 3 December 1995	95-12-31	

(1)	(2)	(3)	(4)
21.	IS 8954 : 1978	Amendment No. 3 December 1995	95-12-31
22.	IS 9355 : 1980	Amendment No. 3 December 1995	95-12-31
23.	IS 9636 : 1988	Amendment No. 1 December 1995	95-12-31
24.	IS 9878 : 1981	Amendment No. 3 December 1995	95-12-31
25.	IS 9997 : 1991	Amendment No. 1 December 1995	95-12-31
26.	IS 10665 : 1982	Amendment No. 1 December 1995	95-12-31
27.	IS 10925 : 1984	Amendment No. 1 December 1995	95-12-31
28.	IS 11032 : 1984	Amendment No. 1 December 1995	95-12-31
29.	IS 11483 : 1985	Amendment No. 1 December 1995	95-12-31
30.	IS 11486 : 1985	Amendment No. 1 December 1995	95-12-31
31.	IS 12590 : 1988	Amendment No. 1 December 1995	95-12-31
32.	IS 12739 : 1989	Amendment No. 1 December 1995	95-12-31
33.	IS 12915 : 1990	Amendment No. 2 December 1995	95-12-31
34.	IS 13227 : 1991	Amendment No. 1 December 1995	95-12-31
35.	IS 13242 : 1991	Amendment No. 1 December 1995	95-12-31
36.	IS 13334 (Part 2) : 1992	Amendment No. 2 November 1995	95-11-30
37.	IS 13920 : 1993	Amendment No. 1 November 1995	95-11-30
38.	IS 14151 (Part 2) : 1994	Amendment No. 1 December 1995	95-12-31

Copies of these amendments are available for sale with the Bureau of Indian Standards, Manak Bhavan, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Calcutta, Chandigarh, Madras and Bombay and also Branch Offices : Ahmadabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Faridabad, Ghaziabad, Guwahati, Hyderabad, Jaipur, Kanpur, Lucknow, Patna, Thiruvananthapuram.

[No. CMD/13:5]
G. RAMAN, Addl. Director General

कोयला मंत्रालय

नई दिल्ली, 23 जनवरी, 1996

का.आ. 519.—केन्द्रीय सरकार ने कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 7 की उपधारा (1) के अधीन भारत के राजपत्र, भाग 2, खंड 3, उपखंड (ii), तारीख 5 जून, 1993 में प्रकाशित भारत सरकार के कोयला मंत्रालय की अधिसूचना सं.का.आ. 1163, तारीख 26 अप्रैल, 1993 द्वारा उस अधिसूचना में संलग्न प्रनुसूची में विनिर्दिष्ट परिक्षेत्र की भूमि में जिसका माप 990.00 एकड़ (लगभग) या 400.63 हेक्टर (लगभग) है, कोयले का पूर्वक्षण करने के अपने आशय की सूचना दी थी;

और उक्त अधिनियम की धारा 8 के अनुसरण में सक्षम प्राधिकारी ने केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार का उपर्युक्त रिपोर्ट पर विचार करने के पश्चात् और बिहार सरकार से परामर्श करने के पश्चात् समाधान हो गया है कि इससे संलग्न अनुसूची में वर्णित माप भूमि 990.00 एकड़ (लगभग) या 400.63 हैक्टर (लगभग) अर्जित की जानी चाहिए।

अतः अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 9 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त अनुसूची में वर्णित माप भूमि 900.00 एकड़ (लगभग) या 400.63 हैक्टर (लगभग) अर्जित की गई है।

इस अधिसूचना के अंतर्गत आने वाले क्षेत्र की रेखांक सं. डी.आर. जी सं. राजस्व/18/93, तारीख 12-11-1993, का उपायुक्त हजारीबाग (बिहार) के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कलकत्ता के कार्यालय में या सेंट्रल कोलफील्ड्स लि. (राजस्व अनुभाग), दरभंगा हाउस, रांची के कार्यालय में निरीक्षण किया जा सकता है।

अनुसूची

उत्तर उरीमरी खंड

(दक्षिण कर्णपुरा कोलफील्ड्स)

रेखाचित्र सं 18/93

रेखाचित्र सं. राजस्व/18/93

तारीख 12-11-1993

(अर्जित की गई भूमि दर्शति हुए)

सभी प्रधिकार

क्र. सं.	ग्राम	थाना	थाना सं.	जिला	क्षेत्र एकड़ में	क्षेत्र हैक्टर में	टिप्पणियां
1.	प्रस्ता	बरकागांव	153	हजारीबाग	14.00	5.66	भाग
2.	पोतंगा	बरकागांव	154	हजारीबाग	976.00	394.97	भाग
कुल क्षेत्र						990.00 एकड़ (लगभग)	
या						400.63 हैक्टर (लगभग)	

ग्राम अस्त्रा में अर्जित किए गए प्लाट संख्यांक :

622(भाग), 623, 627(भाग), 1071(भाग), 1072(भाग), और 1077(भाग)।

ग्राम पोतंगा में अर्जित किए गए प्लाट संख्यांक :—

10(भाग), 15(भाग), 16 से 20, 21(भाग), 22(भाग), 26 से 31, 32(भाग), 33(भाग), 34, 35(भाग), 36 से 40, 46(भाग), 47 से 64, 65(भाग), 73(भाग), 74(भाग), 75, 76, 77(भाग), 78, 79, 80, 81(भाग), 82 से 241, 242(भाग), 246(भाग), 247 से 272, 273(भाग), 274 से 334, 335(भाग), 336, 337, 338, 339(भाग), 341(भाग), 342(भाग), 366(भाग), 368(भाग), 369(भाग), 374(भाग), 375, 376(भाग), 378(भाग), 379 से 431, 432(भाग), 447(भाग), 469(भाग), 475(भाग), 476, 477(भाग), 478 से 485, 486(भाग), 490(भाग), 491(भाग), 492, 493(भाग), 494(भाग), 495 से 540, 541(भाग), 542 से 608, 609(भाग), 992(भाग), 1120(भाग), 1121, 1122, 1123, 1124(भाग), 1125, 1126, 1127(भाग), 1128 से 1131, 1132(भाग), 1133(भाग), 1140(भाग), 1141 से 1148, 1149(भाग), 1151(भाग), 1152(भाग), 1153(भाग), 1154 से 1176, 1177(भाग), 1178 से 1228, 1229(भाग), 1232 से 1276, 1277(भाग), 1278 से 1283, 1284(भाग), 1285 से 1317, 1318(भाग), 1319 से 1324, 1325(भाग), 1326(भाग), 1327 से 1346, 1347(भाग), 1348 से 1513, 1514(भाग), 1515 से 1598, 1599(भाग), 1602(भाग), 1603(भाग), 1617(भाग), 1618(भाग), 1619 से 1632, 1633(भाग), 1634(भाग), 1656(भाग), 1658(भाग), 1659(भाग), 1660(भाग),

1676(भाग), 1679(भाग), 1680(भाग), 1687(भाग), 1691(भाग), 1692(भाग), 1693(भाग), 1694(भाग), 1695 से 1714, 1715(भाग), 1866, 1867, 1884(भाग), 1888(भाग), 1890, 1891(भाग), 1917(भाग), 1927 से 1934, 1935(भाग), 1936, 1937(भाग), 1938(भाग), 1942(भाग), 1943 से 1970 और 1974(भाग). सीमा वर्णन :

न-ख-ग : रेखा ग्राम पोतंगा में प्लाट संख्यांक 1891, 1676, 1884, 1658, 1660, 1659, 1658, 1656, 1634, 1633, 1634, 1656, 1679, 1680, 1347, 1326, 1325, 1687, 1318, 1284, 1657, 1277, 1691, 1692, 1693, 1692, 1694, 1935, 1917, 1938, 1937, 1942, 1687 और 1974 में से होकर जाती है और बिंदु "ग" पर मिलती है।

ग-घ : रेखा ग्राम असवा में प्लाट संख्यांक 1071, 1077, 1072, 627, 622, और 627 में से होकर जाती है और बिंदु "घ" पर मिलती है।

घ-च-च : रेखा ग्राम असवा में प्लाट संख्यांक 627 और 1077 में से होकर जाती है, ग्राम पोतंगा में प्लाट संख्यांक 1974, 1715, 1229, 1715, 1120, 1124, 1127, 1120, 1132, 1120, 1133, 1140, 1149, 1151, 1133, 1152, 1153, 992, 1177, 609, 541, 447, 490, 491, 493, 494, 486, 475, 477 और 432[जो का. आ. संख्यांक 51(अ), तारीख 24 जनवरी, 1975 द्वारा कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 9(1) के अधीन अर्जित उरीभारी ल्लाक की सम्मिलित सीमा का भाग है] में से जाती है और बिंदु "च" पर मिलती है।

च-छ : रेखा, पोतंगा और उरीभारी ग्रामों की भागत: सम्मिलित सीमा के साथ-साथ [जो का.आ. संख्यांक 51(अ), तारीख 24 जनवरी, 1975 द्वारा कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957] की धारा 9(1) के अधीन अर्जित उरीभारी ल्लाक की सम्मिलित सीमा का भाग है] जाती है और बिंदु "छ" पर मिलती है।

छ-ज-झ : रेखा, ग्राम पोतंगा के प्लाट संख्यांक 378, 376, 374, 369, 368, 366, 339, 341, 342, 335, 273, 246, 242, 74, 73, 77, 81, 65, 46, 10, 35, 33, 32, 10, 21, 10 और 22 में से होकर जाती है और बिंदु "झ" पर मिलती है।

झ-झ-क : रेखा, ग्राम पोतंगा में प्लाट संख्यांक 10, 15, 10, 1603, 1602, 1599, 1617, 1618, 1634, 1514, 1634, 1656, 1658, 1659, 1658, 1884, 1888 और 1891 में से होकर जाती है और आरंभिक बिंदु "क" पर मिलती है।

[फा. सं. 43015/3/91-एल.एस. डब्ल्यू]

पी. के. जी. नाथर, अध्यक्ष सचिव

MINISTRY OF COAL

New Delhi, the 23rd January, 1996

S.O. 519.—Whereas by the notification of the Government of India in the Ministry of Coal number S.O. 1163 dated the 26th April, 1993, published in the Gazette of India, Part II, Section 3, sub-section (ii), dated the 5th June, 1993 under sub-section (1) of section 7 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government gave notice of its intention to acquire the land measuring 990.00 acres (approximately) or 400.63 hectares (approximately) in the locality specified in the schedule appended to that notification ;

And whereas the competent authority in pursuance of section 8 of the said Act, has made his report to the Central Government;

And whereas the Central Government after considering the report aforesaid and after consulting the Government of Bihar is satisfied that the land measuring 990.00 acres (approximately) or 400.63 hectares (approximately) described in the schedule appended hereto should be acquired.

Now, therefore, in exercise of the power conferred by sub-section (1) of section 9 of the said Act, the Central Government hereby declares that the land measuring 990.00 acres (approximately) or 400.63 hectares (approximately), described in the said schedule are hereby acquired.

The plan No. REV/18/93, dated 12th November, 1993 of the area covered by the notification may be inspected in the Office of the Deputy Commissioner, Hazaribagh (Bihar) or in the Office of the Coal Controller, 1, Council House Street, Calcutta or in the Office of the Central Coalfields Limited (Revenue Section), Darbhanga House, Ranchi.

SCHEDULE

NORTH URIMARI BLOCK (SOUTH KARANPURA COALFIELD)

Drg. No. 18/93
Drg. No. Rev./18/93
Dated 12-11-93
(Showing land acquired)

All Rights

Sl. No.	Village	Thana	Thana number	District	Area in acres	Area in hectares	Remarks
1	2	3	4	5	6	7	8
1. Aswa		Barkagaon	153	Hazaribagh	14.00	5.66	Part
2. Potanga		Barkagaon	154	Hazaribagh	976.00	394.97	Part
Total area : 990.00 acres (approximately) or 400.63 hectares (approximately)							

Plot number acquired in village Aswa :—622 (part), 623, 627 (part), 1071 (part), 1072 (aprt), and 1077 (part).

Plot number acquired in village Potanga :—10 (part), 15 (part), 16 to 20, 21 (part), 22 (part), 26 to 31, 32 (Part), 33 (part), 34, 35 (part), 36 to 40, 46 (part), 47 to 64, 65 (part), 73 (part), 74 (part), 75, 76, 77 (part), 78, 79, 80, 81 (part), 82 to 241, 242 (part), 246 (part), 247 to 272, 73 (part), 274 to 344, 335 (part), 336, 337, 338, 339 (part), 341 (part), 342 (part), 366 (part), 368 (part), 369 (part), 374 (part), 375, 376 (part), 378 (part), 379 to 431, 432 (part), 447 (part), 469 (part), 475 (part), 476, 477 (part), 478 to 485, 486 (part), 490 (part), 491 (part), 492, 493 (part), 494 (part), 495 to 540, 541 (part), 542 to 608, 609 (part), 992 (part), 1120 (part), 1121, 1212, 1123, 1124 (part), 1125, 1126, 1127 (part) 1128 to 1131, 1132 (part), 1133 (part), 1140 (part), 1141 to 1148, 1149 (part), 1151 (part), 1152 (part), 1153 (part), 1154 to 1176, 1177 (part), 1178 to 1228, 1229 (part), 1232 to 1276, 1277 (part), 1278 to 1283, 1284 (part), 1285 to 1317, 1318 (part), 1319 to 1324, 1325 (part), 1326 (part), 1327 to 1346, 1347 (part), 1348 to 1513, 1514 (part), 1515 to 1598, 1599 (part), 1602 (part), 1603 (part), 1617 (part), 1618 (part), 1619 to 1632, 1633 (part), 1634 (part), 1656 (part), 1658 (part), 1659 (part), 1660 (part), 1676 (part), 1679 (part), 1680 (part), 1687 (part), 1688 (part), 1691 (part), 1692 (part), 1693 (part), 1694 (part), 1695 to 1714, 1715 (part), 1866, 1867, 1884 (part), 1888 (part), 1890, 1891 (part), 1917 (part), 1927 to 1934, 1935 (part), 1936, 1937 (part), 1938 (part), 1942 (part), 1943 to 1970, and 1974 (part).

Boundary description :

A—B—C lines pass through plot numbers 1891, 1676, 1884, 1658, 1660, 1659, 1658, 1656, 1634, 1633, 1556, 1679, 1680, 1347, 1326, 1325, 1687, 1318, 1284, 1687, 1277, 1691, 1692, 1693, 1692, 1694, 1935, 1917, 1938, 1937, 1942, 1687 and 1974 in village Potanga, and meet at point 'C'.

C—D line passes through plot numbers 1071, 1077, 1072, 627, 622 and 627 in village Aswa and meets at point 'D'.

D—E—F lines pass through plot numbers 627 and 1077 in village Aswa through plot numbers 1974, 1715, 1229, 1715, 1120, 1124, 1127, 1120, 1132, 1120, 1133, 1140, 1149, 1151, 1133, 1152, 1153, 992, 1177, 609, 541, 447, 490, 491, 493, 494, 486, 475, 477 and 432 (which forms part common boundray of Urimari Bloc, [acquired under section 9(1) of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) vide S.O. number 51E dated the 24th January, 1975] in village Potanga and meet at point 'F'.

F—G	line passes along part common boundary of villages Potanga and Urimari (which form part common boundary of Urimari Block acquired under section 9(1) of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) vide S.O. number 511, dated the 24th January, 1975) in village potanga and meet at point 'G'.
I—J—I	lines pass through plot numbers 378, 376, 374, 369, 368, 366, 339, 341, 342, 335, 273, 246, 242, 74, 73, 77, 81, 65, 46 10, 35, 33, 32, 10, 21 10 and 22 and village Potanga and meet at point 'I'.
I—J—A	lines pass through plot numbers 10, 15, 10, 1603, 1602, 1599, 1617, 1618, 1634, 1514, 1634, 1656, 1658, 1659, 1658, 1884, 1888 and 1891 in village Potanga and meet at starting point 'A'.

[No. 43015/3/91-LSW]

P.K.G.NAIR, Under Secy

नई दिनी, 6 फरवरी, 1996

का० आ० 520—केन्द्रीय सरकार ने कोयलाधारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) धारा 4 की उप धारा (1) के अधीन भारत के राजपत्र, भाग 2 खंड 3, उपखंड (ii), तारीख 23 अप्रैल, 1994 में प्रकाशित भारत सरकार के कोयला मंत्रालय की अधिसूचना का, आ. सं. 964, तारीख 30 मार्च, 1994 द्वारा उस अधिसूचना से उपावद्ध अनुसूची में विनिर्दिष्ट परिक्षेत्र की भूमि में, जिसका माप 3412 610 हेक्टर (लगभग) या 8432.559 एकड़ (लगभग) है, कोयले का पूर्वक्षण करने के अपने आशय की सूचना दी थी,

और केन्द्रीय सरकार का यह समाधान हो गया है कि उक्त भूमि के भाग में कोयला अभिप्राप्त है।

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उप-धारा (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उससे संलग्न अनुसूची में वर्णित 3407.408 हेक्टर (लगभग) या 8419.70 एकड़ (लगभग) माप की भूमि पर खनिजों के खनन, खदान और खुदाई करने और उनकी तलाश करने और उन्हें प्राप्त करने उन पर कार्य करने और उन्हें ले जाने, के अधिकारों का अर्जन करने के अपने आशय की सूचना देती है।

टिप्पण 1:—इस अधिसूचना के अंतर्गत आने वाले क्षेत्र के रेखांक सं. एस. ई. सी. एल. /बी. एस. पी. /जी. एम. /प्लानिंग /भूमि /149 तारीख 3 जुलाई, 1995 का निरीक्षण कलक्टर शहडोल (मध्य प्रदेश) के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कलकत्ता के कार्यालय में या साउथ ईस्टर्न कोलकाता नि. (राजस्व विभाग) सीपत रोड, बिलासपुर 495006 (मध्य प्रदेश) के कार्यालय में किया जा सकता है।

टिप्पण 2:—पूर्वोक्त अधिनियम की धारा 8 के उपबंधों की ओर ध्यान आकृष्ट किया जाता है, जिसमें निम्नलिखित उपबंध है:—

8. अर्जन की बाबत आपत्तियां—(1) कोई व्यक्ति जो किसी भूमि में जिसकी बाबत धारा 7 के अधीन अधिसूचना निकाली गई है, हिनवद्ध है, अधिसूचना के निकाले जाने के तीस दिन के भीतर सम्पूर्ण भूमि या उसके किसी भाग या ऐसी भूमि में या उस पर के किन्हीं अधिकारों का अर्जन किए जाने के बारे में आपत्ति कर सकेगा।

स्पष्टीकरण—इस धारा के अर्थात् यह आपत्ति नहीं मानी जाएगी कि कोई व्यक्ति किसी भूमि में कोयला उत्पादन के लिए स्वयं खनन संक्रियाएँ करता चाहता है और ऐसी संक्रियाएँ केन्द्रीय सरकार या किसी अन्य व्यक्ति को नहीं करनी चाहिए।

(2) उपधारा (1) के अधीन प्रत्येक आपत्ति सक्षम प्राधिकारी को लिखित रूप में की जाएगी और सक्षम प्राधिकारी आपत्तिकर्ता को स्वयं सुने जाने का या विधि व्यवसायी द्वारा सुनवाई का अवमर देगा और ऐसी सभी आपत्तियों को सुनने के पश्चात् और ऐसी अतिरिक्त जांच, यदि कोई हो, करने के पश्चात् जो वह आवश्यक समझता है वह या तो धारा 7 की उपधारा (1) के अधीन अधिसूचित भूमि के या ऐसी भूमि के विभिन्न टुकड़ों या ऐसी भूमि में या इस पर के अधिकारों के संबंध में आपत्तियों पर आपनी सिफारिशों और उसके द्वारा की गई कार्रवाई के अभिलेख सहित विभिन्न रिपोर्ट केन्द्रीय सरकार या उसके विनिष्टय के लिए देगा।

(3) इस धारा के प्रयोजनों के लिए वह व्यक्ति किसी भूमि में हिनवद्ध समझा जाएगा जो प्रतिकर में हित का दावा करने का हकदार होता यदि भूमि या ऐसी भूमि में या उस पर के अधिकार इस अधिनियम के अधीन अर्जित कर लिए जाने हैं।

टिप्पण 3:—केन्द्रीय सरकार ने कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कलकत्ता को उक्त अधिनियम की धारा 3 के अधीन सक्षम प्राधिकारी नियुक्त किया है।

अनुसूनी

अमाउंड खंड 2

सोहागपुर कोयला क्षेत्र

जमूना कोयला क्षेत्र

जिला शहडील (मध्य प्रदेश)

(भूमि अर्जित काने का आशय दर्शित करते हुए)

खनन अधिकार

क्रम सं. ग्राम	पटवारी हल्का सं.	तहसील	जिला	क्षेत्र हेक्टर में	टिप्पणियां
1. हर्डी	25	कोतमा	शहडोल	270.842	संपूर्ण
2. खोड़री	25	कोतमा	शहडोल	569.840	संपूर्ण
3. कुहका	27	कोतमा	शहडोल	471.825	संपूर्ण
4. निमहा	27	कोतमा	शहडोल	855.503	संपूर्ण
5. अमाउंड	27	कोतमा	शहडोल	462.600	संपूर्ण
6. फुलकोना	25	कोतमा	शहडोल	620.000	भाग
7. सेमग	23	कोतमा	शहडोल	156.798	भाग
3407.408 हेक्टर (लगभग)					
या					
8419.70 एकड़ (लगभग)					

1. ग्राम हर्डी (संपूर्ण) में अर्जित किए जाने वाले खसरा संघर्षक

1 से 468 तक।

2. ग्राम खोड़री (संपूर्ण) में अर्जित किए जाने वाले खसरा संघर्षक

1 से 645 तक।

3. ग्राम कुहका (संपूर्ण) में अर्जित किए जाने वाले खसरा संघर्षक

1 से 560 तक।

4. ग्राम निमहा (संपूर्ण) में अर्जित किए जाने वाले खसरा संघर्षक

1 से 1955, 659/1956, 679/1957, 659/1958, 940/1959, 945/1960, 852/1961, 1066/1962, 18/1963, 64/1964, 133/1965, 133/1966, 137/1967, 357/1968, 255/1969, 328/1970, 379/1971, 379/1972, 379/1973, 379/1974, 379/1975, 683/1976, 762/1977, 764/1978, 1138/1979, 1137/1980, 1029/1981, 1138/1982, 750/1983, 1415/1984, 1518/1985, 1530/1986, 1581/1987, 1584/1988, 1682/1989, 1726/1990, 1888/1991, 1846/1992, 561/1993 और 767/1994।

5. ग्राम अनोड़ (संपूर्ण) में अर्जित किए जाने वाले खसरा संघर्षक

1 से 1676, 365/1677, 1161/1678, 1217/1679, 157/1680, 662/1681, 474/1682, 97/1683, 97/1684, 97/1685, 119/1686, 302/1687, 376/1688, 474/1689, 673/1690, 666/1691, 870/1692, 1625/1693 और 512/1694।

6. ग्राम फुलकोना (भाग) में अर्जित किए जाने वाले खसरा संघर्षक

1 से 1185, 1186(भाग), 1187(भाग), 1188(भाग), 1200(भाग), 1202(भाग), 1204(भाग), 1205, 1206, 1207 (भाग), 1208 से 1285, 1286 (भाग), 1297 (भाग), 1290 (भाग), 635/1300, 634/1301, 432/1302, 634/1303, 521/1304, 521/1305, 521/1306, 657/1307, 760/1308, 827/1309, 570/1310, 1069/1311, 1152/1312, 1159/1313, 1166/1314, 1107/1315, 1108/1316, 1275/1312, 1275/1318, 1277/1319, 1285/1320, 1268/1321, 1268/1322, 1264/1323, 1251/1324।

7. ग्राम सेमरा (भाग) में अंजित किए जाने वाले खमरा संख्याएँ

59(भाग), 60(भाग), 61 से 98, 99(भाग), 101(भाग), 200(भाग), 201 (भाग), 202, 203 (भाग), 204, 205 (भाग), 213 (भाग), 249(भाग), 251(भाग), 252(भाग), 253 (भाग), 254, 255 (भाग), 256(भाग), 257 से 287, 288(भाग), 289 से 424, 425(भाग), 426 से 440, 441(भाग), 442, 443(भाग), 527(भाग), 528, 529(भाग), 545(भाग), 546(भाग), 547 से 554, 555(भाग), 556(भाग), 557(भाग), 560(भाग), 561 से 673, 674(भाग), 675, 676, 434/678, 352/679, 388/680, 582/681 और 302/1677

सीमावर्णन:

क-ब-ग रेखा ग्राम हरी, कटकोना, उरा के तिरहे पर बिन्दु "क" से आरम्भ होता है और ग्राम हरी कटकोना, हरी-पिपरथा की सम्मिलित सीमाओं के साथ-साथ जाता है तथा बिन्दु "ग" पर मिलता है।

ग-घ रेखा भागत: ग्राम हरी सेमरा की सम्मिलित सीमाओं के साथ-साथ जाती है और बिन्दु "घ" पर मिलती है।

घ-ड रेखा प्लाट संख्याएँ 59, 60, 99, 101, 99, 288, 251, 252, 253, 249, 253, 255, 253, 256 प्लाट से 257 की उत्तरी सीमा से कोकर फिर प्लाट से 425, 205, 213, 203, 201, 200, 441, 443, 545, 546, 555, 556, 557, 560, 529, 527, 674, 527, 674 से होकर ग्राम सेमरा से होते हुए जाती है और बिन्दु "ड" पर मिलती है।

ड-च रेखा भागत: ग्राम सेमरा पड़गीओला, फुरांगोना-मानमुड़ी की सम्मिलित सीमाओं के साथ-साथ जाती है और बिन्दु "च" पर मिलती है।

च-ठ रेखा प्लाट स. 1290, 1186, 1187, 1188, 1207, 1200, 1202, 1207, 1204, 1287, 1286 से होकर ग्राम फुलकोना से होते हुए जाती है और बिन्दु "ठ" पर मिलती है।

ठ-छ-ज रेखा भागत: ग्राम फुलकोना भलगा की सम्मिलित सीमाओं, फिर अमाड़ोंड-मलगा, अमाड़ान्ड-बरताराई, अमाड़ान्ड-मलवाही के साथ-साथ जाती है और बिन्दु "ज" पर मिलती है।

ज-झ रेखा ग्राम निनहा-नुक की सम्मिलित सीमाओं के साथ-साथ जाती है और बिन्दु "झ" पर मिलती है।

झ-झ रेखा ग्राम निनहा-भाद की सम्मिलित सीमाओं के साथ-साथ जाती है और बिन्दु "झ" पर मिलती है।

झ-ट-ठ रेखा ग्राम निमल सज्जाली बुहका-मक्कीली की सम्मिलित सीमाओं के साथ-साथ जाती है और बिन्दु "ठ" पर मिलती है।

ठ-ड-ड रेखा ग्राम कुहका-घनोली, कुहका-उरा की सम्मिलित सीमाओं के साथ-साथ जाती है और बिन्दु "ड" पर मिलती है।

ड-क रेखा ग्राम खोड़री-उरा-हरी-उरा की सम्मिलित सीमाओं के साथ-साथ जाती है और आरम्भिक बिन्दु "क" पर मिलती है।

[फा. सं. 43015/11/93 एल. प्र. डब्ल्यू.]

पी. के. जी. नायर, अधिकारी सचिय

New Delhi, the 6th February, 1996

S.O. 520:—Whereas by the notification of the Government of India in the Ministry of Coal number S.O.964 dated the 30th March, 1994 under sub-section (1) of section 4 of Coal Bearing Areas (Acquisition & Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act) and published in the Gazette of India in Part-II, Section 3, Sub Section (ii) dated the 23rd April, 1994 the Central Government gave notice of its intention to prospect for coal in 3412.610 hectares (approximately) or 8432.559 acres (approximately) of the lands in locality specified in the Schedule annexed to that notification;

And whereas the Central Government is satisfied that coal is obtainable in a part of the said lands;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 7 of the said Act, the Central Government hereby gives notice of its intention to acquire the rights to mine, quarry, bore, dig and search for, win, work and carry away minerals in the lands measuring 3407.408 hectares (approximately) or 8419.70 acres (approximately) described in the Schedule appended hereto.

Note 1: The plans bearing number SECL/BSP/GM/PLANNING/LAND/149 dated 3rd July, 1995 of the area covered by this notification may be inspected in the Office of

the Collector, Shahdol (Madhya Pradesh), or in the Office of the Coal Controller, 1, Council House Street, Calcutta, or in the Office of the South Eastern Coalfields Limited (Revenue Section) Seepat Road, Bilaspur-495 006 (Madhya Pradesh).

Note 2 : Attention is hereby invited to the provisions of section 8 of the aforesaid Act, which provides as follows:—

Objection to acquisition:—

8(1) Any person interested in any land in respect of which a notification under section 7 has been issued may, within thirty days of the issue of the notification, object to the acquisition of the whole or any part of the land or of any rights in or over such land.

Explanation : It shall not be an objection within the meaning of this section for any person to say that he himself desires to undertake mining operations in the land for the production of coal and that such operations should not be undertaken by the Central Government or by any other person.

(2) Every objection under sub-section (1) shall be made to the competent authority in writing and the competent authority shall give the objector an opportunity of being heard either in person or by a legal practitioner and shall, after hearing all such objections and after making such further enquiry, if any as he thinks necessary, either make a report in respect of the land which has been notified under sub-section (1) of section 7 or of rights in or over such land, or make different reports in respect of different parcels of such land or of rights in or over such land, to the Central Government, containing his recommendations on the objections, together with the record of the proceedings held by him, for the decision of that Government.

(3) For the purpose of this section, a person shall be deemed to be interested in land who would be entitled to claim an interest in compensation if the land or any rights in or over such land were acquired under this Act."

Note 3: The Coal Controller, 1, Council House Street, Calcutta has been appointed by the Central Government as the competent authority under section 3 of the Act.

SCHEDULE

AMADAND BLOCK-II

SOHAGPUR COALFIELDS

JAMUNA KOTMA AREA

DISTRICT : SHAHDOL (MADHYA PRADESH)

(Showing intention to acquire lands)

MINING RIGHTS

Serial No.	Village	Patwari Halka number	Tahsil	District	Area in hectares	Remarks
1.	Harri	25	Kotma	Shahdol	270.842	Full
2.	Khodri	25	Kotma	Shahdol	569.840	Full
3.	Kuhaka	27	Kotma	Shahdol	471.825	Full
4.	Nimaha	27	Kotma	Shahdol	855.503	Full
5.	Amadand	27	Kotma	Shahdol	462.600	Full
6.	Phulkona	25	Kotma	Shahdol	620.000	Part
7.	Semra	23	Kotma	Shahdol	156.798	Part

3407.408 hectares
(approximately)

Or
8419.70 Acres
(approximately)

1. Khasra numbers to be acquired in village Harri (Full).
1 to 468.
2. Khasra numbers to be acquired in village Khodri (Full)
1 to 645.

3. Khasra numbers to be acquired in village Kuhaka (Full).
1 to 560.
4. Khasra numbers to be acquired in village Nimaha (Full).
1 to 1955, 659/1956, 679/1957, 659/1958, 940/1959, 945/1960, 852/1961, 1066/1962, 18/1963, 64/1964, 133/1965, 133/1966, 137/1967, 357/1968, 255/1969, 328/1970, 379/1971, 379/1972, 379/1973, 379/1974, 379/1975, 683/1976 762/1977, 764/1978, 1138/1979, 1137/1980, 1029/1981, 1138/1982, 750/1983, 1415/1984, 1518/1985, 1530/1986 1581/1987, 1584/1988, 1682/1989, 1726/1990, 1888/1991, 1846/1992, 561/1993 & 767/1994.
5. Khasra numbers to be acquired in village Amadand (Full).
1 to 1676, 365/1677, 1161/1678, 1217/1679, 157/1680, 662/1681, 474/1682, 97/1683, 97/1684, 97/1685, 119/1686 302/1687, 376/1688, 474/1689, 673/1690, 666/1691, 870/1692, 1625/1693, and 512/1694.
6. Khasra numbers to be acquired in village Phulkona (Part).
1 to 1185, 1186 (Part), 1187 (Part), 1188 (Part), 1200 (Part), 1202 (Part), 1204 (Part), 1205, 1206, 1207 (Part) 1208 to 1285, 1286 (Part), 1287 (Part), 1290 (Part), 635/1300, 634/1301, 482/1302, 634/1303, 521/1304, 521/1305, 521/1306, 657/1307, 760/1308, 827/1309, 970/1310, 1069/1311, 1152/1312, 1159/1313, 1186/1314, 1107/1315, 1108/1316, 1275/1317, 1275/1318, 1277/1319, 1285/1320, 1268/1321, 1268/1322, 1264/1323, 1251/1324.
7. Khasra Numbers to be acquired in village Semra (Part).
59 (Part), 60 (Part), 61 to 98, 99 (Part), 101 (Part), 200 (Part), 201 (Part), 202 203 (Part), 204, 205 (Part), 213 (Part), 249 (Part), 251 (Part), 252 (Part) 253 (Part), 254, 255 (Part), 256 (Part), 257 to 287, 288 (Part), 289 to 424, 425 (Part), 426 to 440, 441 (Part), 442, 443 (Part), 527 (Part), 528, 529 (Part), 545 (Part), 546 (Part), 547 to 554, 555 (Part), 556 (Part), 557 (Part), 560 (Part) 561 to 673, 674 (Part), 675, 676, 434/678, 352/679, 388/680, 582/681, & 302/1677.

BOUNDARY DESCRIPTION.

A—B—C Line starts from Point 'A' on the trijunction of villages Harri, Katkona, Oora and passes along the common boundaries of villages Harri—Katkona Harri—Piparaha and meets at Point 'C'.

C—D Line passes partly along the common boundaries of villages Harri-Semra and meets at point 'D'.

D—E. Line passes through village Semra, through plot numbers 59, 60, 99, 101, 99, 288, 251 252 253, 249, 253, 255, 253, 256, northern boundary of plot No.: 257, then through plot numbers 425, 205, 213, 203, 201, 200, 441, 443, 545, 546, 555, 556, 557, 560, 529, 527, 674, 527, 674 and meets at point 'E'.

E—F Line passes partly along the common boundaries of villages Semra—Padritola, Phulkona—Bhalmudi and meets at point 'F'.

F.—G Line passes through village Phulkona, through plot numbers 1290, 1186, 1187, 1188, 1207, 1200, 1202, 1207, 1204, 1287 , 1286 and meets at point 'G'.

G—G1—H. Line passes partly along the common boundaries of village Phulkona—Malga then, Amadand, Malga, Amadand, Bartanai, Amadand—Bhalwahi and meets at Point 'H'.

H—I Line passes along the common boundaries of villages Nimaha—Chukan and meets at point 'I'.

I—J Line passes along the common boundaries of villages Nimaha—Bhad and Meets at point 'J'.

J—K—L. Line passes along the common boundaries of villages Nimaha—Majhauli, Kuhaka—Majhauli and meets at point—'L'.

L—M—N Line passes along the common boundaries of villages Kuhaka—Dhanauli, Kuhaka—Oora and meets at point 'N'.

N—A Line passes along the common boundaries of villages Khodri—Oora, Harri-Oora and meets at the starting point 'A'.

नई विष्णु, 7 फरवरी, 1996

का.आ. 521—केन्द्रीय सरकार को यह प्रतीत होता है कि इससे उपाबद्ध अनुमति में उल्लिखित भूमि में कोयला अभियाप्त किए जाने की संभावना है;

अतः अब, केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस क्षेत्र में कोयले का पूर्वोक्त करने के अपने आवश्यक सूचना देती है।

इस अधिसूचना के अंतर्गत आने वाले क्षेत्र के रेखांक 'ख' एस.ई.सी.एल./बी.एस.पी./जी.एम.//(पी.एल.जी.)/लैण्ड/152, तारीख 11 अगस्त, 1995 का निरीक्षण कलेक्टर सरगुजा (मध्य प्रदेश) के कार्यालय में या कोयला नियन्त्रक, काउन्सिल हाउस स्ट्रीट, कलकत्ता-700001 का कार्यालय में या साउथ ईस्टर्न कॉलफील्ड्स लि. (राजस्व विभाग) सीपत रोड, बिलासपुर-495006 (मध्य प्रदेश) के कार्यालय में किया जा सकता है।

इस अधिसूचनां के अंतर्गत आने वाली भूमि में हितबद्ध सभी व्यक्ति उक्त अधिनियम की धारा 13 की उपधारा (7) में निर्विष्ट सभी नक्शों, चाटों और अन्य दस्तावेजों को, इस अधिसूचना के प्रकाशन की तारीख से नब्बे दिन के भीतर, भार साधक अधिकारी/विभागाध्यक्ष (राजस्व), साउथ ईस्टर्न कॉलफील्ड्स लि., सीपत रोड, बिलासपुर-495006 को भेजेंगे।

अनुमति

बस्करपारा खंड

शिलमिली कॉलफील्ड्स

वैकुंठपुर क्षेत्र

जिला—सरगुजा (मध्य प्रदेश)

रेखांक सं एस.ई.सी.एल./बी.एस.पी./जी.एम.//(पी.एल.जी.)/लैण्ड/152, तारीख 11-8-1995

(पूर्वोक्त के लिए अधिसूचित भूमि दर्शाते हुए)

राजस्व भूमि

क्रम सं.	ग्राम का नाम	पटवारी हल्कासं.	तहसील	जिला	क्षेत्र हैक्टर में	टिप्पणियां
1.	बड़सरा	12	सूरजपुर	सरगुजा	157.54	भाग
2.	बस्करपारा	12	सूरजपुर	सरगुजा	344.69	भाग
3.	खोड़ा पारा	12	सूरजपुर	सरगुजा	321.71	भाग
4.	गोधिन्दगढ़ उर्फ़ डुड़का	12	सूरजपुर	सरगुजा	12.00	भाग
5.	ठनोली खुर्द	17	सूरजपुर	सरगुजा	246.85	भाग
6.	केबरा	17	सूरजपुर	सरगुजा	168.00	भाग
7.	कुरीझीह	16	सूरजपुर	सरगुजा	79.38	भाग
योग :					1330.17	(हैक्टर)

वन भूमि

क्रम सं.	वन कम्पार्टमेंट	रेज	प्रभाग	क्षेत्र हैक्टर में	टिप्पणियां
1.	घर सेंडी ब्लाक	सूरजपुर	साउथ सरगुजा	270.14	भाग
		योग		270.14 हैक्टर	
		कुल योग		1600.36 हैक्टर (लगभग)	या
				3954.36 एकड़ (लगभग)	

रामा लर्णवः

क—व	खेदा धरमेंडी वन द्वाका गो विन्दु 'क' से आरम्भ होती है और धरमेंडी वन द्वाका में होकर जाती है गोविन्दगढ़ खांडा पारा, ढनोली खर्द ग्रामों से जाती है और विन्दु 'ख' पर मिलती है।
ख—ग	खेदा ढनोली खर्द केवरा ग्रामों की सम्मिलित सीमाओं के साथ-साथ भागत जाती है फिर ग्राम केवरा में होकर आगे बढ़ती है और विन्दु 'ग' पर मिलती है।
ग—घ	खेदा केवरा करीडीह, बस्करपारा, बड़सारा ग्रामों से होकर जाती है और विन्दु 'घ' पर मिलती है।
घ—क	खेदा ग्राम बड़सारा में होकर जाती है फिर धरमेंडी वन द्वाका में होकर जाती है और प्रारंभिक विन्दु 'क' पर मिलती है।

[फा.सं. 43015/14/95/एल.एस.डब्ल्यू
पी.के.जी. नाथर, अवर मचिव

New Delhi, the 7th February, 1996

S. O. 521.—Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act) the Central Government hereby gives notice of its intention to prospect for coal therein.

The plan bearing No: SECL/BSP/GM (PLG)/Land/152 dated the 11th August, 1995, of the area covered by this notification can be inspected in the Office of the Collector, Surguja (Madhya Pradesh) or in the Office of the Coal Controller, 1, Council House Street, Calcutta-700 001 or in the office of the South Eastern Coalfields Limited (Revenue Department), Seepat Road, Bilaspur-495006 (Madhya Pradesh).

All persons interested in the land covered by this notification shall deliver all maps, charts and other documents referred to in sub-section (7) of section 13 of the said Act to the Officer-in-charge/Head of the Department (Revenue) South Eastern Coalfields Limited, Seepat Road, Bilaspur-495 006 (Madhya Pradesh) within ninety days from the date of publication of this notification.

SCHEDULE

BASHKARPARA BLOCK

JHILMILI COALFIELDS

BAJKUNTHPUR AREA

DISTRICT- SURGUJA (MADHYA PRADESH)

REVENUE LAND

Plan No: SECL/BSP/GM (PLG) /Land/ 152

dated 11-8-1995 (Showing Land notified for prospecting)

Sl. No.	Name of Village	Patwari Halka number	Tahsil	District	Area in Hectares	Remarks
1.	Badsaia	12	Surajpur	Surguja	157.54	Part
2.	Bashkarpara	12	Surajpur	Surguja	344.69	Part
3.	Khandapara	12	Surajpur	Surguja	321.71	Part
4.	Govindgarh Alias Dundaka	12	Surajpur	Surguja	12.00	Part
5.	Dhanolli Khurd	17	Surajpur	Surguja	246.85	Part
6.	Kewra	17	Surajpur	Surguja	168.00	Part
7.	Kurridih	16	Surajpur	Surguja	79.38	Part
TOTAL:					1,330.17 Hectares	

FOREST LAND

Sl. Number	Forest Compartment	Range	Division	Area in hectares	Remarks
1.	Dharsendi Block	Surajpur	South Surguja	270.14	Part
TOTAL:				270.14 Hectares	
GRAND TOTAL:				1,600.31 Hectares (approximately) OR 3,954.36 Acres (approximately)	

BOUNDARY DESCRIPTION.

A-B Line starts from point 'A' in Dharsendi Forest Block and passes through Dharsendi Forest Block then, Villages Govindgarh, Khandapara, Dhanoli Khurd and meets at point 'B'.

B-C Line passes partly along common boundaries of villages Dhanoli Khurd-Kewra then process through village Kewra and meets point 'C'.

C-D Line passes through villages Kewra, Kurridih, Bashkarpara, Badsara and meets at point 'D'.

D-A Line passes through village Badsara then through Dharsendi Forest block and meets at the starting point at 'A'.

[No. 43015/14/95-LSW]

P. K. G. NAIR, Under Secy.

नई दिल्ली, 7 फरवरी, 1996

कानून 522—केन्द्रीय सरकार को यह प्रतीत होता है कि इसमें उपायद्व अनुसूची में उल्लिखित भूमि में कोयला अधिग्राहण किए जाने की संभावना है;

अतः अथ, केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उस क्षेत्र में कोयले का पूर्वेक्षण करने के अपने आशय की सूचना देती है;

इस अधिसूचना के अंतर्गत आने वाले क्षेत्र के रेखांक सं. एस.ई.सी.एल./बी.एस.पी./जी.एम. (पी.एल.जी.) लैण्ड/154 तारीख 12 सितम्बर, 1995 का निरीक्षण कलेक्टर बिलासपुर (मध्य प्रदेश) के कार्यालय में या कोयला नियंत्रक 1, कांउसिल हाउस स्ट्रीट, कलकत्ता-700001 के कार्यालय में या साउथ ईस्टर्न कोलफील्ड्स लि. (राजस्व विभाग) सीपत्र रोड, बिलासपुर-495001 (मध्य प्रदेश) के कार्यालय में किया जा सकता है।

इस अधिसूचना के अंतर्गत आने वाली भूमि में हितबद्ध सभी व्यक्ति उक्त अधिनियम की धारा 13 की उपधारा (7) में निर्दिष्ट सभी नक्शों, चार्ट्स और अन्य दस्तावेजों को, इस अधिसूचना के राजपत्र में प्रकाशित की तारीख से नब्बे दिन के भीतर, भारत साधक/विभागाध्यक्ष (राजस्व), माउथ ईस्टर्न कोलफील्ड्स लि., सीपत्र रोड, बिलासपुर-495001 (मध्य प्रदेश) को भेजेंगे।

अनुसूची

सराईपाली खंड

कोरबा कोलफील्ड

जिला—बिलासपुर (मध्य प्रदेश)

रेखांक सं. एस.ई.सी.एल./बी.एस.पी./जी.एम/ (पी.एल.जी.)/लैण्ड/154 तारीख 12 सितम्बर, 1995

(पूर्वेक्षण के लिए अधिसूचित भूमि दर्शाते हुए)

क्रम संख्यांक	ग्राम	पटवारी हल्का संख्यांक	तहसील	जिला	क्षेत्र में हैक्टर	टिप्पणियां
1.	छोमिया	25	कटघोरा	बिलासपुर	456.228	संपूर्ण
2.	सराईपाली	25	कटघोरा	बिलासपुर	311.400	संपूर्ण
3.	बुडबुड	25	कटघोरा	बिलासपुर	691.750	संपूर्ण
4.	राहाडीह	25	कटघोरा	बिलासपुर	236.467	संपूर्ण
5.	नानपुलाली	24	कटघोरा	बिलासपुर	382.484	संपूर्ण

कुल : 2078.329 हैक्टर (लगभग)

या

5135.55 एकड़ (लगभग)

सीमा वर्णन :

क—ख रेखा ग्राम नानपुलाली, पोलाई, केराप्परिया के तिंबक्षन पर बिन्दु 'क' से आरंभ होती है और ग्राम नानपुलाली की पूर्वी सीमा, ग्राम बुडबुड, सराईपाली की उत्तरी सीमा के साथ-साथ जाती है तथा बिन्दु 'ख' पर मिलती है।

ख—ग रेखा ग्राम सराईपाली और झोमिया की पूर्वी सीमा के साथ-साथ जाती है और बिन्दु 'ग' पर मिलती है।

ग—घ रेखा ग्राम झोमिया, राहाडीह की दक्षिणी सीमा के साथ-साथ जाती है और बिन्दु "घ" पर मिलती है।

घ—क रेखा ग्राम राहाडीह, बुडबुड, नानपुलाली की पश्चिमी सीमा के साथ-साथ जाती है और आरंभिक बिन्दु 'क' पर मिलती है।

[सं. 43015/15/95-एस.डब्ल्यू]
पी.के. जी. नायर, अधिकारी, सचिव]

New Delhi, the 7th February, 1996

S.O. 522.—Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed :

Now therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act) the Central Government hereby gives notice of its intention to prospect for coal therein.

The plan bearing number SECL/BSP/GM(PLG)/Land/154 dated the 12th September, 1995 of the area covered by this notification can be inspected in the Office of the Collector, Bilaspur (Madhya Pradesh) or in the Office of the Coal Controller, 1, Council House Street, Calcutta-700 001 or in the Office of the South Eastern Coalfields Limited (Revenue Department), Seepat Road, Bilaspur-495 001 (Madhya Pradesh).

All persons interested in the land covered by this notification shall deliver all maps, charts and other documents referred to in sub-section (7) of Section 13 of the said Act to the Officer in Charge/Head of the Department (Revenue) South Eastern Coalfields Limited, Seepat Road, Bilaspur-495 001 (Madhya Pradesh) within ninety days from the date of publication of this notification.

SCHEDULE
SARAIPALI BLOCK
KORBA COALFIELD
DISTRICT—BILASPUR (MADHYA PRADESH)

Plan No. : SECL/BSP/GM/(PLG)/LAND/154 Dated : 12th September, 1995 (showing land notified for prospecting)

Sl. No.	Village	Patwari Halka Number	Tahsil	District	Area in hectares	Remarks
1	2	3	4	5	6	7
1. Domia		25	Katghora	Bilaspur	456.228	Full
2. Saraipali		25	Katghora	Bilaspur	311.400	Full
3. Budbud		25	Katghora	Bilaspur	691.750	Full
4. Rahadih		25	Katghora	Bilaspur	236.467	Full
5. Nanpulali		24	Katghora	Bilaspur	382.484	Full
TOTAL : 2078.329 Hectares (approximately) Or 5135.55 Acres (Approximately)						1

Boundary Description :

A—B Line starts from point 'A' on trijunction of villages Nanpulali, Polali, Kerajhuria and passes along the Eastern boundary of village Nanpulali, Northern boundary of village Budbud, Saraipli and meets at point 'B'.

B—C Line passes along the Eastern boundray of villages Saraipli and Domia and meets at point 'C'.

C—D Line passes along the Southern boundary of villages Domia, Rahadih and meets at point 'D'.

D—A Line passes along the Western boundary of villages Rahadih, Budbud, Nanpulalia and meets at the starting point 'A'.

[No. 43015/15/95-LSW]

P.K.G. NAIR, Under Secy.

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

संशोधन

नई दिल्ली, 9 फरवरी, 1996

का. आ. 523:—भारत के राजपत्र विनांक 1-10-94 के भाग-II खंड-3 उपखंड (ii) में पेट्रोलियम और प्राकृतिक गैस मंत्रालय, भारत सरकार के का. आ. संख्या 2541 विनांक 9-9-54 से पेट्रोलियम और अंतिज पार्थिव लाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 2 की उपधारा (1) के अंतर्गत प्रकाशित अधिसूचना जो कि ग्राम धमनार, तहसील गुना, जिला गुना के संबंध में थी, को निम्नानुसार पढ़ा जाये:—

राजपत्र के अनुसार

निम्न संशोधन के अनुसार पढ़ा जाए

गजट का क्रमांक	सर्वे नं.	धेत्रकल हेक्टेयर में	सर्वे नं.	धेत्रकल हेक्टेयर में
19.	340	0-4250	340	0-3935
		339/2		0-0315

[संख्या एल-14016/4/95-जी.पी.]
पर्याप्त सेन, निदेशक

MINISTRY OF PETROLEUM & NATURAL GAS
CORRIGENDUM

New Delhi, the 9th February, 1996

S.O. 523.—In the Gazette of India, Ministry of Petroleum and Natural Gas S.O. No. 2544 dated 9-9-94 published on 1-10-94 under sub-section (i) of section 3 of the Petroleum and Mineral Pipeline (Acquisition of Right of Users in Land) Act, 1962 (50 of 1962) in respect of village Dhamnar, Tehsil Guna, District Guna be read as follows :—

As per Gazette

Be read as corrected
below

Sr. No.	Survey No.	Area in Hectare	Survey No.	Area in Hectare
1	2	3	4	5
19.	340	0.4250	340	0.3935
	—	—	339/2	0.0315

[No. L-14016/4/95-G.P.]
ARDHENDU SEN, Director

संशोधन

नई दिल्ली, 9 फरवरी, 1996

का.आ. 524:—भारत के राजपत्र विनांक 1-10-94 के भाग-II खंड-3 उपखंड (ii) में पेट्रोलियम और प्राकृतिक गैस मंत्रालय, भारत सरकार के का.आ. संख्या 2534 विनांक 9 मितम्प्रत, 1994 से पेट्रोलियम और अंतिज पार्थिव लाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अंतर्गत प्रकाशित अधिसूचना जो कि ग्राम धुरखारकला, तहसील इसागढ़, जिला गुना के संबंध में थी, को निम्नानुसार पढ़ा जाये :—

राजपत्र के अनुसार

निम्न संशोधन के अनुसार पढ़ा जाए

क्र. सं.	सर्वे संख्या	धेत्रकल हेक्टेयर में	सर्वे संख्या	धेत्रकल हेक्टेयर में
1.	695	0-5360	695	0-5969
2.	694	0-0609	—	—
4.	698	0-3406	698	0-03.66
—	—	—	699	0-31.00
5.	680/2	0-2740	680/2	0-17-40
6.	680/1	0-3250	680/1	0-04-50
—	—	—	679	0-38-00
7.	678	0-0350	678	0-29-90
8.	677	0-2780	671	0-26-00
9.	681	0.2460	—	—
10.	672	0-3300	672	0-12-00
—	—	—	669	0-21-00

[संख्या एल-14016/4/95-जी.पी.]

पर्याप्त सेन, निदेशक

CORRIGENDUM

New Delhi, the 9th February, 1996

S.O. 524.—In the Gazette of India, Ministry of Petroleum and Natural Gas S.O. No. 2534 dated 9-9-94 published on 1-10-94 under sub-section (i) of section 3 of the Petroleum and Mineral Pipeline (Acquisition of Right of Users in Land) Act, 1962 (50 of 1962) in respect of village Ghurwar Kalan, Tehsil Issagarh, District Guna be read as follows :—

As per Gazette

Be read as corrected
below

Sr. No.	Survey No.	Area in Hectare	Survey No.	Area in Hectare
1	2	3	4	5
1.	695	0.5360	695	0.5969
2.	694	0.0609	—	—
4.	698	0.3466	698	0.0366
—	—	699	—	0.3100
5.	680/2	0.2740	680/2	0.1740
6.	680/1	0.3250	680/1	0.0450
—	—	679	—	0.3800
7.	676	0.0350	678	0.2990
8.	677	0.2780	671	0.2600
9.	681	0.2460	—	—
10.	672	0.3300	672	0.1200
—	—	669	—	0.2100

[No. L-14016/4/95-G.P.]

ARDHENDU SEN, Director

शुद्धिपत्र

नई दिल्ली, 9 फरवरी, 1996

का. आ. 525 :—भारत के राजपत्र (अमंधारण) भाग-II खण्ड-3 उपखण्ड (ii) क्रमांक-232, दिनांक 21 अप्रैल, 1995 में पेट्रोलियम और खनिज पार्श्व लाईन (भूमि में उत्तरोग के अधिकार का प्रार्थन) अधिनियम, 1962 (1962 का 50) की धारा 6 की उपधारा (1) के अंतर्गत हिन्दी में प्रकाशित निम्नलिखित अधिसूचनाओं के साथ दी गई अनुसूची में उल्लिखित ग्राम के नाम निम्नानुमार पढ़े जायेः—

राजपत्र के अनुसार	निम्न संशोधन के अनुसार पढ़ा जाये
राजपत्र अधिसूचना क्रमांक व (असाधारण) दिनांक	अनुसूची में छापा ग्राम का सही नाम
क्र. 232	ग्राम का नाम
दिनांक 21	
अप्रैल की	
पृष्ठ संख्या	

1	2	3	4
8	का.आ. 369(अ) दि. 19-4-95	बिलोकना	बिलोकना
12	का.आ. 369(अ) दि. 19-4-95	विजयपुर	विनुपुरा
12	का.आ. 369(अ) दिनांक 19-4-95	चाकबोकल	चकडोकल बरसई
13	का.आ. 369(अ) दिनांक 19-4-95	खरईमार	खरईमाट
21	का.आ. 370(अ) दिनांक 19-4-95	हरियापरा	हरियापुरा
22	का.आ. 371(अ) दिनांक 19-4-95	बजगढ़ी	बृजगढ़ी
25	का.आ. 372(अ) दिनांक 19-4-95	खरजान	खुरजान
27	का.आ. 373(अ) दिनांक 19-4-95	शेरा	भदोरा

[संख्या एल-14016/4/95-जी. पी.]
प्रधानमंत्री सेन, निदेशक

CORRIGENDUM

New Delhi, the 9th February, 1996

S.O. 525.—The name * of the following villages published in the notifications under sub-section (i) of section 6 of Petroleum and Mineral Pipeline (Acquisition of Right of Users in the Land) Act, 1962 (50 of 1962) in the Gazette of India (Extraordinary) Part-II section 3, sub-section (ii) No. 232, dated the 21st April, 1995 be read as mentioned in column No. 4 :—

Page No. of the Gazette	Notification No. and date	Name of the village as published in the Schedule	Correct name of the village
1	2	3	4
3	S.O. 366(E) Dtd. 19-4-95	Dahalwara	Daharwara
20	S.O. 369(E) dtd. 19-4-95	Khuraibha	Kharaibhat
28	S.O. 373(E) dtd. 19-4-95	Bhadaua	Bhadaura

[No. L-14016/4/95-G.P.]
ARDHENDU SEN, Director

संशोधन

नई दिल्ली, 9 फरवरी, 1996

का. आ. 526 :—भारत के राजपत्र विनांक 28-3-95 के भाग-II उपखण्ड (ii) में पेट्रोलियम और प्राकृतिक गैस मंत्रालय, भारत सरकार के का. आ. संख्या 259(अ) दिनांक 24-3-95 से पेट्रोलियम और खनिज पार्श्व लाईन (भूमि में उत्तरोग के अधिकार का प्रार्थन) अधिनियम, 1962 (1962 का 50) की धारा 6 की उपधारा (1) के अंतर्गत वोनों भाषा में प्रकाशित अधिसूचना जो कि ग्राम फगरा, तहसील विजयपुर, जिला भूटैना के संबंध में थी, को निम्नानुमार पढ़ा जाए।

राजपत्र के अनुसार	निम्न संशोधन के अनुसार पढ़ा जाये
क्र. सं. सर्वे संख्या थेक्सफल हेक्टेयर में	सर्वे संख्या थेक्सफल हेक्टेयर में
3 892 00.28.47	892/1 00.1424 892/2 00.1423

[संख्या एल-14016/4/95-जी. पी.]
प्रधानमंत्री सेन, निदेशक

CORRIGENDUM

New Delhi, the 9th February, 1996

S.O. 526.—In the Gazette of India, Ministry of Petroleum and Natural Gas S.O. No. 259(E) dated 24-3-95 published on 28-3-95 under sub-section (i) of section 6 of the Petroleum &

Mineral pipeline (Acquisition of Right of Users in Land) Act, 1962 (50 of 1962) in respect of village Farara, Tehsil Vijaypur, Distt. Morena be read as follows :—

As per Gazette		Be read as Corrected below	
Sr. Survey No.	Area in Hectare	Survey No.	Area in Hectare
3. 892	00.2847	892/1	00.1424
—	—	892/2	00.1423

[No. L-14016/4/95 G.P.]
ARDHENDU SEN, Director

संशोधन

नई विली, 9 फरवरी, 1996

का. प्रा. 527—भारत के राजपत्र दिनांक 21-4-95 के भाग—II, खण्ड-3, उपखण्ड (ii) में पेट्रोलियम और प्राकृतिक गैस मंत्रालय, भारत सरकार के का. प्रा. संख्या 368 (भ) दिनांक 19-4-95, से पेट्रोलियम और खनिज पार्षद लाईन (भूमि में उपयोग के अधिकार का प्रार्जन) अधिनियम, 1962 (1962 का 50) की धारा 6 की उपधारा (1) के अंतर्गत हिन्दी भाषा में प्रकाशित अधिसूचना जो कि ग्राम देवपुर-कला, तहसील पोहरी, जिला शिवपुरी, के संबंध में थी, को निम्नानुसार पढ़ा जाये।

राजपत्र के अनुसार

निम्न संशोधन के अनुसार पढ़ा जाये

क्र. सं.	सर्वे संख्या	भेजफल हेक्टेयर	सर्वे संख्या	भेजफल हेक्टेयर
15	339	0-0350	339	1.0350

[संख्या—एल—14016/4/95—जी. पी.]
प्रबन्धन सेन, निदेशक

CORRIGENDUM

New Delhi, the 9th February, 1996

S. O. 527.—in the Gazette of India Ministry of Petroleum and Natural Gas S.O. No. 368(E) dated 19-4-95 published on 21-4-95 under sub section (1) of section 6 of the Petroleum and Mineral Pipeline (Acquisition of Right of Users in Land) Act, 1962 (50 of 1962) in respect of village Devpukaran, Tehsil Pohari, District Shivpuri be read as follows :—

As per Gazette

Be read as corrected below

Sr. Survey No.	Area in Hectare	Survey No.	Area in —Hectare
05. 379	0.0027	379	0.0072
30. 450	0.3510	450	0.3410
31. 449	0.3750	449	0.3755
37. 496	0.7355	495	0.7355
38. 503	0.2328	503	0.3328

[No. L-14016/4/95 G.P.]
ARDHENDU SEN, Director

संशोधन

नई विली, 9 फरवरी, 1996

का. प्रा. 528—भारत के राजपत्र दिनांक 21-4-95 के भाग—II, खण्ड-3, उपखण्ड (ii), में पेट्रोलियम और प्राकृतिक गैस मंत्रालय, भारत सरकार के का. प्रा. संख्या 369 (भ), दिनांक 19-4-95, से पेट्रोलियम और खनिज पार्षद लाईन (भूमि में उपयोग के अधिकार का प्रार्जन) अधिनियम, 1962 (1962 का 50) की धारा 6 की उपधारा (1) के अंतर्गत हिन्दी भाषा में प्रकाशित अधिसूचना जो कि ग्राम देवपुर-कला, तहसील पोहरी, जिला शिवपुरी, के संबंध में थी को निम्नानुसार पढ़ा जाये :—

राजपत्र के अनुसार

निम्न संशोधन के अनुसार पढ़ा जाये

क्र. सं.	सर्वे संख्या	भेजफल हेक्टेयर	सर्वे संख्या	भेजफल हेक्टेयर
46	457	5-2940	457	0-2940
54	434	0-1043	434	0-0143

[संख्या एल—14016/4/95-जी. पी.]
प्रबन्धन सेन, निदेशक

CORRIGENDUM

New Delhi, the 9th February, 1996

S. O. 528.—In the Gazette of India Ministry of Petroleum and Natural Gas S.O. No. 369(E) dated 19-4-95 published on 21-4-95 under sub section (1) of section 6 of the Petroleum and Mineral Pipeline (Acquisition of Right of Users in Land) Act, 1962 (50 of 1962) in respect of village Rama Basai, Tehsil Shivpuri, District Shivpuri be read as follows :—

As per Gazette

Be read as corrected below

Sr. No.	Survey No.	area in Hectare	Survey No.	Area in Hectare
30.	455	0.0141	455	1.0141

[No. L-14016/4/95-G.P.]
ARDHENDU SEN, Director

संशोधन

नई विली, 9 फरवरी, 1996

का. प्रा. 529—भारत के राजपत्र दिनांक 21-4-95 के भाग—II, खण्ड-3, उपखण्ड (ii), में पेट्रोलियम और प्राकृतिक गैस मंत्रालय, भारत सरकार के का. प्रा. संख्या 369 (भ), दिनांक 19-4-95, से पेट्रोलियम और खनिज पार्षद लाईन (भूमि में उपयोग के अधिकार का प्रार्जन) अधिनियम, 1962 (1962 का 50) की धारा 6 की उपधारा (1) के अंतर्गत हिन्दी भाषा में प्रकाशित अधिसूचना जो कि ग्राम रामपुर, तहसील शिवपुरी, के संबंध में थी को निम्नानुसार पढ़ा जाये :—

राजपत्र के अनुसार		निम्न संशोधन के अनुसार पढ़ा जाये	
क्र. सं.	सर्वे संख्या	क्षेत्रफल हेक्टेयर में	सर्वे संख्या क्षेत्रफल हेक्टेयर
4	76	0.5055	76 0.5550

[संख्या एल—14016/4/95-जी. पी.]
प्रधानमंत्रु सेन, निदेशक

CORRIGENDUM

New Delhi, the 9th February, 1996

S. O. 529.—In the Gazette of India Ministry of Petroleum and Natural Gas S.O. No. 369(E) dated 19-4-95 published on 21-4-95 under sub section (i) of section 6 of the Petroleum and Mineral Pipeline (Acquisition of Right of Users in Land) Act, 1962 (50 of 1962) in respect of village Kabirkheri, Tehsil Shivpuri, District Shivpuri be read as follows :—

As per Gazette		Be read as corrected below	
Sr. Survey No.	Area in Hectare	Survey No.	Area in Hectare
30. 313	0.1850	313	0.1050

[No. L-14016/4/95 G.P.]
ARDHENDU SEN, Director

संशोधन

नई दिल्ली, 9 फरवरी, 1996

का. आ. 530 :—भारत के राजपत्र दिनांक 21-4-95 के भाग—II, खण्ड—3, उपखण्ड (ii) में पेट्रोलियम और प्राकृतिक गैस मंत्रालय, भारत सरकार के का. आ. संख्या, 369 (ग्र), दिनांक 19-4-95, से पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के प्रधिकार का अर्जन) प्रधिनियम 1962 (1962 का 50) की धारा 6 की उपधारा (1) के अंतर्गत हिन्दी भाषा में प्रकाशित अधिसूचना जो कि ग्राम कुड़ा तहसील व जिला शिवपुरी, के संबंध में थी, को निम्नानुसार पढ़ा जाये।

राजपत्र के अनुसार		निम्न संशोधन के अनुसार पढ़ा जाये	
क्र. सं.	सर्वे संख्या	क्षेत्रफल हेक्टेयर में	सर्वे संख्या क्षेत्रफल हेक्टेयर में
30. 80	0.0620	80	0.0690

[संख्या एल—14016/4/95-जी. पी.]
प्रधानमंत्रु सेन, निदेशक

संशोधन

नई दिल्ली, 9 फरवरी, 1996

का. आ. 531 :—भारत सरकार के राजपत्र दिनांक 21-4-95 के भाग—II, खण्ड—3, उपखण्ड (ii) में पेट्रोलियम और प्राकृतिक

गैस मंत्रालय, भारत सरकार के का. आ. संख्या 369 (ग्र) दिनांक 19-4-95, से पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के प्रधिकार का अर्जन) प्रधिनियम 1962 (1962 का 50) की धारा 6 की उपधारा (1) के अंतर्गत प्रकाशित अधिसूचना जो कि ग्राम कंबीर खेड़ी, तहसील शिवपुरी, जिला शिवपुरी, के संबंध में थी, को निम्नानुसार पढ़ा जाये :—

राजपत्र के अनुसार		निम्न संशोधन के अनुसार पढ़ा जाये	
गजट	सर्वे संख्या	क्षेत्रफल हेक्टेयर में	सर्वे संख्या क्षेत्रफल हेक्टेयर में
30	313	0.1850	313 0.1050

[संख्या एल—14016/4/95-जी. पी.]
प्रधानमंत्रु सेन, निदेशक

संशोधन

नई दिल्ली, 9 फरवरी, 1996

का. आ. 532 :—भारत के राजपत्र दिनांक 21-4-95 के भाग—II, खण्ड—3, उपखण्ड (ii) में पेट्रोलियम और प्राकृतिक गैस मंत्रालय, भारत सरकार के का. आ. संख्या 369 (ग्र), दिनांक 19-4-95, से पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के प्रधिकार का अर्जन) प्रधिनियम 1962 (1962 का 50) की धारा 6 की उपधारा (1) के अंतर्गत हिन्दी भाषा में प्रकाशित अधिसूचना जो कि ग्राम कंबीर खेड़ी तहसील व जिला शिवपुरी, के संबंध में थी, को निम्नानुसार पढ़ा जाये :—

राजपत्र के अनुसार		निम्न संशोधन के अनुसार पढ़ा जाये	
क्र. सं.	सर्वे संख्या	क्षेत्रफल हेक्टेयर में	सर्वे संख्या क्षेत्रफल हेक्टेयर में
39	280	0.0250	270 0.0250

[संख्या एल—14016/4/95-जी. पी.]
प्रधानमंत्रु सेन, निदेशक

संशोधन

नई दिल्ली, 9 फरवरी, 1996

का. आ. 533 :—भारत के राजपत्र दिनांक, 4-11-95 के भाग—II, खण्ड 3, उपखण्ड (ii) में पेट्रोलियम और प्राकृतिक गैस मंत्रालय, भारत सरकार के का. आ. संख्या 2900, दिनांक 20-10-95 से पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के प्रधिकार का अर्जन) प्रधिनियम, 1962 (1962 का 50) की धारा 6 की उपधारा (1) के अंतर्गत प्रकाशित अधिसूचना जो कि ग्राम कंबीर खेड़ी तहसील गुना, जिला गुना के संबंध में थी, को निम्नानुसार पढ़ा जाये :—

राजपत्र के अनुसार		निम्न संशोधन के अनुसार पढ़ा जाये	
गजट	सर्वे सं.	क्षेत्रफल हे. में	सर्वे संख्या क्षेत्रफल हे. में
07.	401/1/2	0.1728	401/1/2 0.0028
	—	—	401/2 0.1700
11.	403/2	0.0972	403/1 0.0600
	—	—	403/2 0.0372

[संख्या एल—14016/4/95-जी. पी.]
प्रधानमंत्रु सेन, निदेशक

CORRIGENDUM

New Delhi, the 9th February, 1996

S.O. 533.—In the Gazette of India Ministry of Petroleum and Natural Gas S.O. No. 2900 dated 20-10-95 published on 4-11-95 under sub-section (i) of section 6 of the Petroleum and Mineral Pipeline (Acquisition of Right of Users in Land) Act, 1962 (50 of 1962) in respect of village Singwasa, Tehsil Guna, District Guna be read as follows :—

As per Gazette		Be read as corrected below		
Sr. Survey No.	Area in Hectare	Survey No.	Area in Hectare	
1	2	3	4	5
07. 401/1/2	0.1728	401/1/2	0.0028	
—	—	401/2	0.1700	
11. 403/2	0.0972	403/1	0.0600	
—	—	403/2	0.0372	

[No. L-14016/4/95 G.P.]
ARDHENDU SEN, Director

CORRIGENDUM

New Delhi, the 9th February, 1996

S.O. 534.—In the Gazette of India Ministry of Petroleum and Natural Gas S.O. No. 374 dated 19-4-95 published on 21-4-95 under sub-section (i) of section 6 of the Petroleum and Mineral Pipeline (Acquisition of Right of Users in Land) Act, 1962 (50 of 1962) in respect of village Miana, Tehsil Guna, District Guna be read as follows :—

As per Gazette		Be read as corrected below		
Sr. Survey No.	Area in Hectare	Survey No.	Area in Hectare	
1	2	3	4	5
26. 976	0.3300	976	0.3330	
28. 979	0.4700	979	0.4770	
38. 781/2/2	0.5785	781/2/3	0.5785	

[No. L-14016/4/95 G.P.]
ARDHENDU SEN, Director

नई विल्सो, 9 फरवरी, 1996

का. आ. 535.—जबकि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि गुजरात राज्य में आई पी/आर आर से एन पी जी प्लाट वांडिया तक प्राकृतिक गृह के परिवहन के लिए पाइप लाइन गैस अपोर्टिंग आफ इंडिया लिमिटेड द्वारा विद्युई जानी चाहिए।

और यह भी अनुभव करती है कि उस कार्य के लिए इसके साथ संलग्न विवरणी में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है।

अतः पेट्रोलियम एवं खनिज पाइपलाइन (भूमि पर प्रयोक्ता का अधिकार ग्रहण) अधिनियम, 1962 (1962 का 50) के खंड-3 के उपखंड (1) द्वारा प्रवल शक्तियों का प्रयोग करते हुए केन्द्र सरकार एवं द्वारा उस पर प्रयोक्ता का अधिकार ग्रहण करने की भूमि की घोषणा करती है।

वर्णन कि उक्त भूमि में अपनी गति रखने वाला कोई भी व्यक्ति अधिसूचना की तारीख से 21 दिन के भीतर अभिगत पाइपलाइन विभाग के विरोध में अपनी आपाति सक्षम अधिकारी, गैस अपोर्टिंग आफ इंडिया

लिमिटेड, दर्पण बिल्डिंग, आर सी वल्टा रोड, बड़ोदा (गुजरात) में दर्ज करा सकता है।

और ऐसी आपाति दर्ज करते समय किसी भी व्यक्ति को यह विशेष रूप से निर्विवाद करना होगा कि वह अपनियात रूप से अपना विधि व्यवसायक के माध्यम से अपना मन प्रस्तुत करना चाहता है।

अनुसूची

गैस लाइन आईपीआरआर स्टेशन

वांडिया से एन पी जी प्लाट वांडिया एडीपीएस आर औ मू. राज्य : गुजरात तालुका : वांडिया जिला : बड़ोदा

गांव	क्रम सं.	प्रगति			
		लालक नं.	हेस्टेयर	आर	सेस्टीपर
1	2	3	4	5	
वांडिया	कार्ट ट्रैक	00	01	44	
	670	00	14	58	
	669/2	00	13	52	
	680	00	09	90	
	687	00	08	88	
	686	00	01	96	
	882/1पी	00	09	50	
	692	00	00	64	
	693	00	17	46	
	695	00	00	80	
	कार्ट ट्रैक	00	01	68	
	665	00	11	25	
	866	00	00	28	
	862	00	07	64	
	861	00	00	16	
	848/2	00	06	81	
	845	00	07	44	
बड़ोदा-					
आपोर्टिंग		00	02	82	
रोड					
	843/1	00	09	42	
	कन्व रोड	00	01	40	
	835	00	00	04	
	836	00	02	69	
	842/2	00	08	52	
	841	00	03	00	
	840	00	12	14	
	729	00	00	54	
	839/2	00	00	42	
	730	00	09	30	
	741	00	01	05	
	740/2	00	07	20	
	748	00	07	89	
	750	00	12	16	
	752	00	15	82	
	कार्ट ट्रैक	00	00	72	
	753	00	00	40	
	नाला	00	02	16	
	1434	00	01	10	

1	2	3	4	5	1	2	3	4	5
वायोडिया	कार्ट ट्रैक	00	11	11	Waghodia	692	00	00	64
	1880	00	00	75		693	00	17	46
	1889	00	03	48		695	00	00	80
	1866	00	11	04		Cart Track	00	01	68
	1865	00	09	00		665	00	11	25
	1864	00	06	48		866	00	00	28
	1863	00	00	28		862	00	07	64
	कार्ट ट्रैक	00	11	51		861	00	00	16
	1467	00	01	37		848/2	00	06	81
	1461	00	01	25		845	00	07	44
	1756/1	00	01	94		Vadodara-	00	02	82
	पालपीजी बड़ोदा रोड	00	01	68		Waghodia-Road			
	1762/2	00	01	68		843/1	00	09	42
	1762/1	00	15	78		Ka chuch Road	00	01	40

[संख्या पल-14016/10/94-जीपी]
अधिनियम सेत, निदेशक

New Delhi, the 9th February, 1996

S.O. 535.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum and Natural Gas from IPRR Station to LPG plant at Vaghodia in Gujarat Pipeline should be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (i) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd., Darpan Building, R.C. Dutt Road, Vadodara-390005.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

SCHEDULE

Gas Line from IPRR Station

Waghodia to LPG Plant Waghodia Additional R.O.U.
State : Gujarat District : Baroda
Taluka : Waghodia

[No. L-14016/10/94-G.P.]
ARDHENDU SEN, Director

Village	Sr. No. Block No.	Area		
		Hac- tare	Are	Centi- are
1	2	3	4	5
Waghodia	Cart Track	00	01	44
	670	00	14	58
	669/2	00	13	52
	680	00	09	90
	687	00	08	88
	686	00	01	96
	882/1P	00	09	50

नई दिल्ली, 14 फरवरी, 1996

का.आ. 536.—केन्द्रीय सरकार ने, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे हमें हमके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) और (2) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 1112 तारीख 22-4-95 द्वारा भारत

पेट्रोलियम कार्पोरेशन लिमिटेड, माहूल, मुंबई की परिष्करणी से मोटर स्पिरिट, उत्कृष्ट केरोसिन तेल और उच्च ब्रेग डीजल का परिवहन महाराष्ट्र, राज्य में मनमाड को करने के लिए भारत पेट्रोलियम कार्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजनार्थ उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकारों के अर्जन की, अपने आशय की घोषणा की थी :

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 11 नवम्बर, 1995 उपलब्ध करा दी गई थी;

और सक्रम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार का उस रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाए ;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइप लाइन बिछाने के लिए उपयोग का अधिकार अर्जित करने की घोषणा करती है ;

यह और कि, केन्द्रीय सरकार उक्त धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निवेश देती है कि उक्त भूमि में उपयोग के अधिकार, केन्द्रीय सरकार में निहित होने की बजाए सभी विलंगमों से मुक्त होकर भारत पेट्रोलियम कार्पोरेशन लिमिटेड में निहित होगा ।

अनुसूची

तहसील : भिवंडी जिला : ठाणे राज्य : महाराष्ट्र

गांव का नाम	गट नं./स. नं.	क्षेत्रफल	हेक्टेयर	आरे	बर्गमीटर
भदाने	89/2	0	21	00	
	89/3	0	14	22	
	74	0	17	00	
	71	0	12	00	

[संख्या आर-31015/2/94 और आर-II]
के. सी. कटोरा, अधिकारी सचिव

New Delhi, the 14th February, 1996

S.O. 536.—Whereas by a notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 1112 dated the 22nd April, 1995 issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the

Right of User in the lands specified in the Schedule appended to that notification for the purpose of laying pipeline for transport of Motor Spirit, Superior Kerosene Oil and High Speed Diesel from Refinery of Bharat Petroleum Corporation Limited, Mahul, Mumbai to Manmad in the State of Maharashtra, by Bharat Petroleum Corporation Limited;

And whereas, copies of the said Gazette Notification were made available to the public on 11th November 1995;

And whereas, the Competent Authority has under sub-section (1) of section 6 of the said Act submitted report to the Central Government;

And, further, whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the Schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the Schedule appended to this notification is hereby acquired for laying the pipelines;

And, further, in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government, vest on this date of the publication of this declaration in the Bharat Petroleum Corporation Limited free from all encumbrances.

SCHEDULE

Tahsil : Bhivandi District : Thane State : Maharashtra.

Name of Village	Survey No. Gat. No.	Hectars		Area Are Centi- are
		Are	Centi- are	
Bhadane	89/2	0	21	00
	89/3	0	14	22
	74	0	17	00
	71	0	12	00

[File No. R-31015/2/94/OR-II]
K.C. KATOCH, Under Secy.

स्वास्थ्य और परिवार कल्याण मंत्रालय
(स्वास्थ्य विभाग)

नई दिल्ली, 29 जनवरी, 1996

का. आ. 537 :—केन्द्रीय सरकार, भारतीय आयुर्विज्ञान परिषद अधिनियम, 1956 (1956 का 2) की धारा II की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारतीय आयुर्विज्ञान परिषद भूमि पर विविध और संशोधन करती है, पर्यात :—

उक्त अधिनियम की प्रथम अनुसूची में,

(1) कलाकारा विश्वविद्यालय के सामने—

(i) "मान्यता प्राप्त आयुर्विज्ञान घर्षता" स्तंभ में "हिल्सोन इन ट्रॉफीकल मेडिसिन एंड हार्सीन" प्रविष्टि के पश्चात निम्नलिखित जोड़ा जाएगा, प्रथात :—

"आक्टर ग्राफ मेडिसिन (विविरण चिकित्सा)

"आक्टर ग्राफ मेडिसिन (स्थाय संबंधी आयुर्विज्ञान)

(ii) रजिस्ट्रीकरण के लिए संकेपाक्षर संभं में --

“डॉ. ई. एम. एच. एच.” प्रविष्टि के पश्चात निम्नलिखित जोड़ा जाएगा, अर्थात्:—
जोड़ा जाएगा, अर्थात्:—
“एम. डी. (विकिरण चिकित्सा)

(यह एक मान्यता प्राप्त अर्हता तब होगी जब 1973 का या उसके पश्चात प्रदान की गई थी)

एम. डी. (न्याय आयुर्विज्ञान)

(यह एक मान्यता प्राप्त अर्हता तब होगी जब 1977 को या उसके पश्चात प्रदान की गई थी)

(2) “मम् विश्वविद्यालय के सामने—

(i) मान्यता प्राप्त आयुर्विज्ञान अर्हता संभं में डाक्टर आफ मेडिसिन “विकिरण निदान प्रविष्टि” के पश्चात निम्नलिखित जोड़ा जाएगा अर्थात्:—

डाक्टर आफ मेडिसिन (सामान्य आयुर्विज्ञान)
“डाक्टर आफ मेडिसिन (नेत्र विज्ञान)
डाक्टर आफ मेडिसिन (सदेदनाहरण विज्ञान)
“डाक्टर आफ मेडिसिन (गरीर किया विज्ञान)“

(ii) “रजिस्ट्रीकरण के लिए संकेपाक्षर “संभं में, “एम. डी. (विकिरण निदान)“ प्रविष्टि के पश्चात निम्नलिखित जोड़ा जाएगा, अर्थात् “एम.डी. (सामान्य आयुर्विज्ञान)

(यह मान्यता प्राप्त अर्हता उभी होगी जब यह जनवरी, 1979 को या उसके पश्चात प्रदान की गई हो)

एम. एम. (नेत्र विज्ञान)

(यह एक मान्यता प्राप्त अर्हता तब होगी जब जनवरी, 1979 को या उसके पश्चात प्रदान की गई थी)

एम. डी. (गरीर किया विज्ञान)

(यह एक मान्यता प्राप्त अर्हता तब होगी जब 12 फरवरी, 1980 को या उसके पश्चात प्रदान की गई थी)

(3) डाक्टर एम. डी. आयुर्विज्ञान वि. विद्यालय के सामने—

(i) मान्यता प्राप्त आयुर्विज्ञान अर्हता संभं में, “मजिस्ट्रार चिह्नी (शल्य अवृद्धि विज्ञान)“ प्रविष्टि के पश्चात निम्नलिखित जोड़ा जाएगा, अर्थात् जोड़ा जाएगा, अर्थात्:—

मास्टर आफ सर्जरी (वाहिकामय शल्य विज्ञान)

(ii) “रजिस्ट्रीकरण के लिए संकेपाक्षर” संभं में ‘एम. डी. एच. (शल्य अवृद्धि विज्ञान)“ प्रविष्टि के पश्चात निम्नलिखित जोड़ा जाएगा, अर्थात्:—

“डी. एम. (स्टेटोलॉजी)“

(यह एक मान्यता प्राप्त अर्हता तब होगी जब 2 जनवरी, 1992 को उसके पश्चात प्रदान की गई थी)

एच. डी. एच. (वाहिकामय शल्य विज्ञान)

एस. एम. (वाहिकामय शल्य विज्ञान)

(यह एक मान्यता प्राप्त अर्हता तब होगी जब 1994 को या उसके पश्चात प्रदान की गई थी)

(4) “गुलबर्गा विश्वविद्यालय” के सामने - (i) “मान्यता प्राप्त आयुर्विज्ञान अर्हता “संभं में मास्टर आफ सर्जरी (नेत्र विज्ञान)“ के पश्चात निम्नलिखित जोड़ा जाएगा, अर्थात्:—

“मास्टर आफ मेडिसिन (त्वचा विज्ञान) डिप्लोमा इन डायाटों डॉर्सी, डाक्टर आफ मेडिसिन (न्याय संबंधी आयुर्विज्ञान)

(ii) रजिस्ट्रीकरण के लिए संकेपाक्षर संभं में “एम. एम. (नेत्र विज्ञान) प्रविष्टि के पश्चात निम्नलिखित जोड़ा जाएगा, अर्थात् “एम. डी. (त्वचा विज्ञान)

(यह एक मान्यता प्राप्त अर्हता तब होगी जब 3 मार्च, 1989 को या उसके पश्चात प्रदान की गई थी)।

डी. डी.

(यह एक मान्यता प्राप्त अर्हता तब होगी जब 3 मार्च, 1980 को या उसके पश्चात प्रदान की गई थी)“

एम. डी. (न्याय आयुर्विज्ञान)

(यह एक मान्यता प्राप्त अर्हता तब होगी जब 1980 को या उसके पश्चात प्रदान की गई थी)“

(5) “महाराष्ट्र गांधी विश्वविद्यालय के सामने--

(i) मान्यता प्राप्त आयुर्विज्ञान अर्हता संभं में “डिप्लोमा इन चाइल्ड हेल्प” प्रविष्टि के पश्चात निम्नलिखित जोड़ा जाएगा, अर्थात् : “मास्टर आफ सर्जरी (कर्ण नासा कंड) डिप्लोमा इन लाइनों रेलोलॉजी (कर्ण नासा कंड) मास्टर आफ सर्जरी (सामान्य शल्य विज्ञान)“

(ii) “रजिस्ट्रीकरण के लिए संकेपाक्षर संभं में “डी. सी. एच. एस. प्रविष्टि के पश्चात निम्नलिखित जोड़ा जाएगा, अर्थात् :—

एम. (सामान्य शल्य विज्ञान)

(यह एक मान्यता प्राप्त अर्हता तब होगी जब 1972 को या उसके पश्चात प्रदान की गई थी)“

(6) “सौराष्ट्र विश्वविद्यालय के सामने,—

(1) “मान्यता प्राप्त आयुर्विज्ञान अर्हता संभं में डाक्टर आफ सर्जरी (विकलांग विद्या) प्रविष्टि के पश्चात निम्नलिखित जोड़ा जायेगा, अर्थात् :—

“डिप्लोमा इन आपयालमोलॉजी ,

(2) “रजिस्ट्रीकरण के लिये संकेपाक्षर संभं में एम.एस. (विकलांग विद्या) प्रविष्टि के पश्चात निम्नलिखित जोड़ा जायेगा, अर्थात् :—

“डी.ओ.

(यह एक मान्यता प्राप्त अर्हता तब होगी जब 1987 को या उसके पश्चात प्रदान की गई थी)

(7) “संजय गांधी स्नातकोत्तर संस्थान लखनऊ के सामने,

(i) “मान्यता प्राप्त आयुर्विज्ञान अर्हता संभं में मजिस्ट्रार चिह्नी (तंत्रिका शल्य विज्ञान) प्रविष्टि के पश्चात निम्नलिखित जोड़ा जायेगा, अर्थात् :—

“डाक्टर आफ मेडिसिन (बठरान्ट रोगज्ञान) मजिस्ट्रार चिह्नी (तंत्रिका शल्य विज्ञान)“

(ii) “रजिस्ट्रीकरण के लिये संकेपाक्षर संभं में एम. सी. एच. (तंत्रिका शल्य विज्ञान)

प्रविष्टि के पश्चात् निम्नलिखित जोड़ा जायेगा,
अर्थात् :—

“डी.एम. (जठरान्त्र रोगज्ञान)

(यह एक मान्यताप्राप्त अर्हता जब होगी जब
1 नवम्बर, 1991 को या उसके पश्चात् प्रदान की गई थी।)”
“एस.सी.एच. (तंत्रिका शत्र्य विज्ञान)

(यह एक मान्यताप्राप्त अर्हता तब होगी जब 12 मई,
1992 को या उसके पश्चात् प्रदान की गई थी।)”

(3) “जिन्दुर विश्वविद्यालय” के सामने :—

(i) मान्यताप्राप्त आयुर्विज्ञान अर्हता, स्तंभ में
“डिलोमा इन मेडिकल रेडियो डाइरेक्टोरिस”
प्रविष्टि के पश्चात् निम्नलिखित जोड़ा जायेगा,
अर्थात् :—

“डिलोमा इन क्लीनिकल पैथोलॉजी,
डॉक्टर आॅफ मेडिसिन (प्रसूति-विज्ञान और स्वी रोग
विज्ञान)”

(ii) “रजिस्ट्रीकरण के लिये संक्षेपाक्षर” स्तंभ में
“डी.एम.आर.डी. प्रविष्टि के पश्चात्, निम्न-
विवित जोड़ा जायेगा, अर्थात् :—

डी.सी.पी.

(यह अर्हता एक मान्यताप्राप्त अर्हता तभी होगी जब
यह 3 मार्च, 1989 को या उसके पश्चात् प्रदान की गई हो।)
“एम.डी. (प्रसूति-विज्ञान और स्वी रोग विज्ञान)
(यह अर्हता एक मान्यताप्राप्त अर्हता तभी होगी जब
यह 16 मई, 1988 को या उसके पश्चात् प्रदान की गई हो।)

(9) “मंगलौर विश्वविद्यालय” के सामने,—

(i) “मान्यताप्राप्त आयुर्विज्ञान अर्हता” स्तंभ में
“डिलोमा इन मेडिकल डाइरेक्टोरिस” प्रविष्टि
के पश्चात्, निम्नलिखित जोड़ा जायेगा, अर्थात् :—

“डॉक्टर आॅफ सर्जरी (हृदय वक्ष शत्र्य विज्ञान)”

(ii) “रजिस्ट्रीकरण के लिये संक्षेपाक्षर” स्तंभ में
“डी.एम.आर.डी.” प्रविष्टि के पश्चात्
निम्नलिखित जोड़ा जायेगा, अर्थात् :—

“एम.सी.एच. (हृदय वक्ष शत्र्य विज्ञान)”

(यह अर्हता एक मान्यताप्राप्त अर्हता तभी होगी जब यह
30 जून, 1980 को या उसके पश्चात् प्रदान की गई हो।)

(10) “मेरठ विश्वविद्यालय” के सामने,—

(i) “मान्यताप्राप्त आयुर्विज्ञान अर्हता” स्तंभ में,
“मास्टर आॅफ सर्जरी” (विकलांग विद्या),
प्रविष्टि के पश्चात्, निम्नलिखित जोड़ा जायेगा,
अर्थात् :—

“मास्टर आॅफ सर्जरी (मूत्र विज्ञान)”

(ii) “रजिस्ट्रीकरण के लिये संक्षेपाक्षर” स्तंभ में,
“एम.एस. (ने.वि.)” प्रविष्टि के पश्चात्,
निम्नलिखित जोड़ा जायेगा, अर्थात् :—

(यह अर्हता एक मान्यताप्राप्त अर्हता तभी होगी जब
यह 1972 को या उसके पश्चात् प्रदान की
गई हो।)”

(iii) “पांडिचेरी विश्वविद्यालय” के सामने :—

(i) “मान्यताप्राप्त आयुर्विज्ञान अर्हता” के स्तंभ में
“मास्टर आॅफ सर्जरी (जनन मूत्र/शत्र्य विज्ञान),”
प्रविष्टि के पश्चात्, निम्नलिखित जोड़ा जायेगा,
अर्थात् :—

“डिलोमा इन लेपरेसी।

डॉक्टर आॅफ मेडिसिन (विकिरण निदान)

डॉक्टर आॅफ मेडिसिन (शरीर क्रिया विज्ञान);”

(ii) “रजिस्ट्रीकरण के लिये संक्षेपाक्षर” स्तंभ में,
(सहायक) “एच.सी.एच. (जनन मूत्र शत्र्य
विज्ञान) प्रविष्टि के पश्चात् निम्नलिखित जोड़ा
जाएगा, अर्थात् :—

“डी.ले.पे.:

(यह अर्हता एक मान्यता प्राप्त अर्हता तभी होगी जब
यह 1990 को या उसके पश्चात् प्रदान की गई हो।)
एम.डी. (विकिरण निदान)

(यह अर्हता एक मान्यताप्राप्त अर्हता तभी होगी जब
यह 14 अप्रैल, 1981 को या उसके पश्चात् प्रदान
की गई हो।)

एम.डी. (शरीर क्रिया विज्ञान)

(यह अर्हता एक मान्यता प्राप्त अर्हता तभी होगी जब
यह 1986 को या उसके पश्चात् प्रदान की गई हो);”

(12) “गोदा विश्वविद्यालय” के सामने ;

(i) “मान्यता प्राप्त आयुर्विज्ञान अर्हता” रत्न में,
“बैचलर आॅफ मेडिसिन एण्ड बैचलर आॅफ सर्जरी”
प्रविष्टि के पश्चात् निम्नलिखित जोड़ा जाएगा,
अर्थात् :—

“मास्टर आॅफ सर्जरी (शरीर रक्तांग विज्ञान)”

(ii) “रजिस्ट्रीकरण के लिये संक्षेपाक्षर” स्तंभ में
“एम.बी.बी.एस.” प्रविष्टि के पश्चात् निम्नलिखित
जोड़ा जाएगा, अर्थात् :—

“एम.एस. (शरीर रक्तांग विज्ञान)”

(यह अर्हता एक मान्यता प्राप्त तभी होगा जब यह
31 अगस्त, 1970 को यह उसके पश्चात् प्रदान का गई हो);”

(13) “लखनऊ विश्वविद्यालय” के सामने :—

(i) “मान्यता प्राप्त आयुर्विज्ञान अर्हता” स्तंभ में,
“डॉक्टर आॅफ मेडिसिन (हृदय रोग)” प्रविष्टि के पश्चात्
निम्नलिखित जोड़ा जाएगा अर्थात् :—

“डॉक्टर आफ मेडिसिन (विकिरण चिकित्सा);”

(ii) “रजिस्ट्रीकरण के लिए संक्षेपाकार” स्तम्भ में
डी.एम. (हृदय रोग) प्रविधि के पश्चात् निम्न-
निवित जोड़ा जाएगा, अर्थात् :—
एम. डी. (विकिरण चिकित्सा)

(यह प्रह्ला एक भान्यताप्राप्त अर्हता तभी होगी जब
यह 1986 को या उसके पश्चात् प्रदान की गई हो)
(14) “मणिकुर उच्चतर चिकित्सा अकादमी” के मानने—

(1) भान्यता प्राप्त आयुर्विज्ञान अर्हता” “स्तम्भ में,
डिप्लोमा इन मैट्रिक्युल रेडियो डाइमोरोगिश” प्रविधि के
पश्चात् निम्नलिखित जोड़ा जाएगा, अर्थात् :—

“मजिस्ट्रार चिल्ड्रन (इंडिय बच्चे शब्द विज्ञान)

(ii) “रजिस्ट्रीकरण के लिए संक्षेपाकार स्तम्भ में “डा.
एम. आर. डी.” प्रविधि के पश्चात् निम्ननिवित जोड़ा
जाएगा, अर्थात् :—

• “एम० सी० एम० (इंडिय बच्चे शब्द विज्ञान)”
(यह अर्हता एक भान्यताप्राप्त अर्हता तभी होगी
जब यह 1980 को या उसके पश्चात् प्रदान की गई हो)

(15) उत्तरी बंगाल विश्वविद्यालय, सिलीगुड़ी से
संबंधित प्रविधियों के द्वारा पश्चात् निम्नलिखित प्रविधियां
अन्तः स्थापित की जाएगी, अर्थात् :—

विश्वविद्यालय भान्यताप्राप्त प्रायः रजिस्ट्रार के लिए
या आयुर्विज्ञान विज्ञान अर्हता रजिस्ट्रीकरण
संस्था

‘निजाम आयु- डाक्टर आफ मेडिसिन एम. डी. (विकृति
विज्ञान संस्थान (विकृति विज्ञान) यह अर्हता
एक भान्यताप्राप्त अर्हता तभी होगी
जब यह 1 नवम्बर,
1994 को यह उसके
पश्चात् प्रदान की गई
होगी ।)

मजिस्ट्रार चिल्डर्स
(तंत्रिका शब्द विज्ञान)
एम. गी. एच. (तंत्रिका
शब्द विज्ञान) (यह अर्हता
एक भान्यताप्राप्त अर्हता तभी
होगी जब यह 1 नवम्बर,
1994 को या उसके पश्चात्
प्रदान की गई हो ।)

[संख्या नं. 11015 /7/93-एम. ई (यू. जी.)]
एम. के. मिश्र, डैक्टर अधिकारी

MINISTRY OF HEALTH & FAMILY WELFARE

(Department of Health)

New Delhi, the 29th January, 1996

S.O. 537.—In exercise of the powers conferred by sub-section (2) of section 11 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government after consulting the Medical Council of India makes the following further amendments, namely :—

In the said Act, in the First Schedule,

(1) against the “University of Calcutta”.

(i) in column ‘Recognised medical qualification’, after
the entry “Diploma in Tropical Medicine and Hygiene”, the following shall be added, namely :—

“Doctor of Medicine (Radio-Therapy)

Doctor of Medicine (Forensic Medicine)”.

(ii) in column ‘Abbreviation for registration’, after the
entry “D.T. M&H”, the following shall be added,
namely :—

“M.D. (Radiotherapy)

(This shall be a recognised qualification only when
granted on or after 1973).

M.D. (Forensic Medicine)

(This shall be a recognised qualification only when
granted on or after 1977).

(2) against the ‘Jammu University’.

(i) in column ‘Recognised Medical Qualification’, after
the entry “Doctor of Medicine (Radio-diagnosis)”, the
following shall be added, namely :—

“Doctor of Medicine (General Medicine)

Master of Surgery (Ophthalmology)

Doctor of Medicine (Anaesthesiology)

Doctor of Medicine (Physiology)”

(ii) in column ‘Abbreviation for registration’ after the
entry “M.D. (Radio-Diagnosis)”, the following shall
be added, namely :—

“M.D. (General Medicine)”.

(This shall be a recognised qualification only when
granted on or after January, 1979).

M. S. (Ophthalmology)

(This shall be a recognised qualification only when
granted on or after January, 1979).

M.D. (Anaesthesiology)

(This shall be a recognised qualification only when
granted on or after 1982).

M.D. (Physiology)

(This shall be a recognised qualification only when
granted on or after 12th February, 1980.)

(3) against ‘Dr. M.G.R. Medical University’.

(i) in column ‘Recognised medical qualification after
the entry “Magistrar Chirurgiae (Surgical Oncology)”,
the following shall be added, namely :—

“Doctor of Medicine (Rheumatology)

Magistrar Chirurgiae (Vascular Surgery)”

(ii) in column ‘Abbreviation for registration’, after the
entry “M. Ch. (Surgical Oncology)”, the following
shall be added, namely :—

“D.M. (Rheumatology)”

(This shall be a recognised qualification only when
granted on or after 2nd January, 1992).

M. Ch. (Vascular Surgery)

(This shall be a recognised qualification only when
granted on or after 1984). ”

(4) against the 'Gulbarga University'

(i) in column 'Recognised medical qualification', after the entry 'Master of Surgery (Ophthalmology)', the following shall be added, namely :—
 "Doctor of Medicine (Dermatology),
 Diploma in Dermatology,
 Doctor of Medicine (Forensic Medicine)".

(ii) in column 'Abbreviation for registration', after the entry 'M.S. (Opth.)', the following shall be added, namely :—
 "M.D. (Dermatology).

(This shall be a recognised qualification only when granted on or after 3rd March, 1989).

D.D.

(This shall be a recognised qualification only when granted on or after 3rd March, 1989).

M.D. (Forensic Medicine).

(This shall be a recognised qualification only when granted on or after 1980.)

(5) against the 'Mahatma Gandhi University',

(i) in column 'Recognised medical qualification', after the entry 'Diploma in Child Health', the following shall be added, namely :—

"Master of Surgery (ENT),
 Diploma in Otorhinolaryngology (ENT)
 Master of Surgery (General Surgery)".

(ii) in column 'Abbreviation for registration', after the entry "D.C.H.", the following shall be added, namely :—

"M.S. (ENT)

(This shall be a recognised qualification only when granted on or after October 8, 1982).

D.L.O. (ENT)

(This shall be a recognised qualification only when granted on or after 8th October, 1982).

M.S. (General Surgery)

(This shall be a recognised qualification only when granted on or after 1972.)

(6) against the 'Saurashtra University',

(i) in column 'Recognised medical qualification', after the entry "Master of Surgery (Orthopaedics)", the following shall be added, namely :—

"Diploma in Ophthalmology".

(ii) in column 'Abbreviation for registration', after the entry "M.S. (Orthopaedics)", the following shall be added, namely :—

D.O.

(This shall be a recognised qualification only when granted on or after 1987.)

(7) against the 'Sanjay Gandhi Post Graduate Institute, Lucknow',

(i) in column 'Recognised medical qualification', after the entry "Magistrar Chirurgiae (Neuro-Surgery)", the following shall be added, namely :—

"Doctor of Medicine (Gastroenterology)
 Magistrar Chirurgiae (Neuro-Surgery)".

(ii) in column 'Abbreviation for registration', after the entry "M.Ch. (Neuro-Surgery)", the following shall be added, namely :—

"D.M. (Gastroenterology).

(This shall be a recognised qualification only when granted on or after 1st November, 1991).

M.Ch. (Neuro-Surgery)

(This shall be a recognised qualification only when granted on or after 12th May, 1992.)

(8) against the 'Manipur University',

(i) in column 'Recognised medical qualification' after the entry 'Diploma in medicine (Radio-Diagnosis)', the following shall be added, namely :—

"Diploma in Clinical Pathology,

Doctor of Medicine (Obstetrics & Gynaecology)"

(ii) in column 'Abbreviation for registration', after the entry 'D.M.R.D.', the following shall be added, namely :—

"D.C.P.

(This shall be recognised qualification only when granted on or after 3rd March, 1989.)

M.D. (Obst. and Gynae.)

(This shall be recognised qualification only when granted on or after 16th May, 1988.)

(9) against the 'Mangalore University',

(i) in column 'Recognised Medical qualification', after the entry 'Diploma in Medical Diagnosis', the following shall be added namely :—

Magistrar Chirurgiae (Cardiothoracic Surgery)"

(ii) in column 'Abbreviation for registration', after the entry 'D.M.R.D.', the following shall be added, namely :—

"M.Ch. (Cardiothoracic Surgery).

(This shall be a recognised qualification only when granted on or after 30th June, 1980.)

(10) against the "Meerut University",

(i) in column 'Recognised medical qualification', after the entry 'Master of Surgery (Orthopaedics)', the following shall be added, namely :—

Master of Surgery (Ophthalmology)"

(ii) in column 'Abbreviation for registration', after the entry "M.S. (Orthao.) the following shall be added, namely :—

"M.S. (Ophthalmology)

(This shall be recognised qualification only when granted on or after 1972.)

(11) against the 'Pondicherry University',

(i) in column 'Recognised medical qualification', after the entry "Master of Surgery (Genito-Urinary Surgery)", the following shall be added, namely :—

"Diploma in Leprosy"

Doctor of Medicine (Radio Diagnosis)

Doctor of Medicine (Physiology)"

(ii) in column 'Abbreviation for registration', after the entry 'M.Ch. (Geno Urinary Surgery)', the following shall be added, namely :—

"D. Lep.

(This shall be a recognised qualification only when granted on or after 1990.)

M. D. (Radio-Diagnosis)

(This shall be a recognised qualification only when granted on or after 14th April, 1981.)

M. D. (Physiology)

(This shall be a recognised qualification only when granted on or after 1986.)

(12) against the 'Goa University',

(i) in column 'Recognised medical qualification', after the entry 'Bachelor of Medicine and Bachelor of Surgery', the following shall be added, namely :—

"Master of Surgery (Anatomy)"

(ii) in column 'Abbreviation for registration', after the entry "M.B.B.S.", the following shall be added, namely :—

"M. S. (Anatomy)"

(This shall be a recognised medical qualification only when granted on or after 31st August, 1970.)"

(13) against the 'Lucknow University',

(i) in column 'Recognised medical qualification', after the entry 'Doctor of Medicine (Cardiology)', the following shall be added, namely :—

"Doctor of Medicine (Radio-therapy)

(ii) in column 'Abbreviation for registration, after the entry, "D. M. (Cardiology)", the following shall be added, namely :—

"M. D. (Radio-therapy)

(This shall be a recognised qualification only when granted on or after 1986.)

(14) against the 'Manipal Academy of Higher Education',

(i) in column 'Recognised medical qualification', after the entry "Diploma in Medical Radio Diagnosis", the following shall be added, namely :—

"Magistrar Chirurgiae (Cardiothoracic Surgery)"

(ii) in column 'Abbreviation for registration, after the entry "D.M.R.D.", the following shall be added, namely :—

"M. Ch. (Cardiothoracic Surgery)

(This shall be a recognised qualification only when granted on or after 1980).

(15) after the entries relating to the "North Bengal University, Siliguri", the following entries shall be inserted, namely :—

University or Medical Institution	Recognised Medical qualification	Abbreviation for registration
"Nizam Institute of Medical Sciences, Hyderabad	Doctor of Medicine (pathology)	M.D. (Pathology) (This shall be a recognised qualification only when granted on or after 1st November, 1994.)
	Magistrar Chirurgiae (Neuro-Surgery)	M.Ch. (Neuro-Surgery) (This shall be a recognised qualification only when granted on or after 1st November, 1994.)"

[No. V. 11015/7/95-ME(UG)]

S.K. MISHRA, Desk Officer

नागरिक पूर्ति, उपमोक्ष मामले और सार्वजनिक वितरण
मंत्रालय

नई दिल्ली, 6 फरवरी, 1996

का.ग्रा.538:—केन्द्रीय सरकार की विहित प्राधिकारी द्वारा उसे प्रस्तुत की गई रिपोर्ट पर विचार करने के पश्चात्, समाप्त हो गया है कि उक्त रिपोर्ट से वर्णित माडल बाट और माप मानदंड अधिनियम, 1976 (1976

का 60) और बाट और माप भाइक माडल का अनुमोदन (नियम, 1987 के उपर्योग के अनुरूप है और इस बात की संभावना है कि उक्त माडल लगातार प्रयोग की प्रवृत्ति में यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा देता रहेगा;

अतः केन्द्रीय सरकार उक्त अधिनियम की धारा 36 उपचारा (7) और उपचारा (8) द्वारा प्रवत्त प्रक्रियों वा प्रयोग करते हुए, मध्यम यथार्थता वर्ग 3 की एस.पू. एफ.-पी.टी. योरीज टाइप के स्वतः सूचक गैर स्वचालित प्लेटफार्म तोलन उपकरण के माडल का (जिसे इसमें इसके पश्चात माडल कहा गया है) जिसका विनिर्माण मैसर्स सफेस इन्स्ट्रुमेंट्स, प्रह्लदावाद द्वारा किया गया है और जिसे अनुमोदन चिन्ह आई.एन.डी./09/95/15 समनुदेशित किया गया है, अनुमोदन प्रभाणात्र प्रकाशित करती है;



माडल (आकृति देखिए) एक अध्यन यथार्थता (यथार्थता वर्ग 3) का तोलन उपकरण है जिसको प्रधिकारम अमरा 10 न्यूनतम क्षमता 40 ग्राम है। सत्यापन मापमान अन्तर (ई) 2 ग्राम है। इसमें एक टेयर युक्त है जिसका व्यक्तनात्मक प्रतिधारण टेयर प्रभाव 100 प्रतिशत है। आधार और प्लेटफार्म धात्विक हैं। मारप्राही वर्गीकार आकृति का है जिसके पार्श्व 250 × 250 मि.मी. है। प्रकाश उत्सर्जन डायोड संप्रदर्श तोलन परिणाम उपर्युक्त करता है। यह उपकरण 230 वोल्ट, 50 हर्ट्ज के प्रत्यावर्ती धारा विद्युत प्रदाय पर प्रचालित होता है।

आगे केन्द्रीय सरकार यह घोषणा करती है कि माडल के अनुमोदन के इस प्रभाण पत्र के अंतर्गत उसी विनिर्माण द्वारा इसी सिद्धान्त के अनुसार और उसी सामग्री से, जिससे अनुमोदित माडल का विनिर्माण किया गया है विनिर्मित 500 ग्राम, 1 किलोग्राम, 2 किलोग्राम, 3 किलोग्राम, 5 किलोग्राम, 20 किलोग्राम, और 30 किलोग्राम, को अधिकारम क्षमता वाले समूलप मैक, यथार्थता और उसी सिरीज के कार्यकरण वाले तोलन उपकरण भी हैं।

[का.सं. इल्यू. एम 21 (61)/93]
राजीव श्रीवास्तव, संयुक्त सचिव

MINISTRY OF CIVIL SUPPLIES, CONSUMER AFFAIRS
AND PUBLIC DISTRIBUTION

New Delhi, the 6th February, 1996

S.O. 538.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions:

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of section 36 of the said Act, the Central Government hereby publishes the Certificate of approval of Model of self-indicating non-automatic table top weighing instrument of type SUF-PT series of class III Medium accuracy (hereinafter referred to as the Model) manufactured by M/s. Sufex Electronics, 4, Mithila Society, Near Shreyas Crossing, Ambawadi, Ahmedabad which is assigned the approval mark IND/09/95/15.

The Model (see figure) is a medium accuracy (accuracy class III) weighing instrument with a maximum capacity of 10 kilogram and minimum capacity of 40 gram. The verification scale interval (e) is 2 gram. It has a tare device with a 100 per cent subtractive retained tare effect. The base and the platform are metallic. The load receptor is of square shape of sides 250×250 millimetre. The LED display indicates the weighing result. The instrument operates on 230 volts, 50 hertz alternate current power supply.

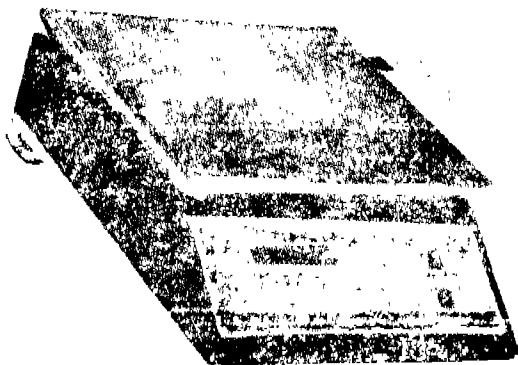


figure)

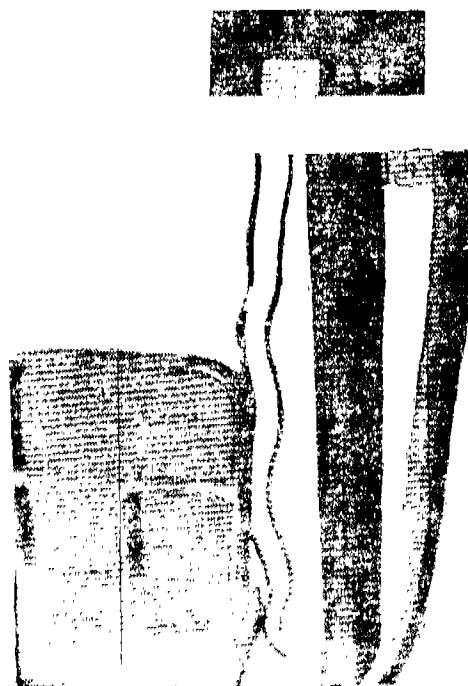
Further, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity of 500 g, 1 kg, 2 kg, 3 kg, 5 kg, 20 kg and 30 kg manufactured by the same manufacturer in accordance with the same principle and with the same materials with which, the approved Model has been manufactured.

I.P. No. WM-21(61)/93
RAJIV SRIVASTAVA, Jt. Secy.

नई दिल्ली, 6 फरवरी, 1996

का.आ. 539:—केन्द्रीय सरकार की विहित प्राधिकारी द्वारा उसे प्रस्तुत की गई रिपोर्ट पर विचार करने के पश्चात्, समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माझल बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माझल का अनुमोदन) नियम, 1987 के उपर्योग के अनुरूप है और इस बात की संमानादारी है कि उक्त माझल लगातार प्रयोग की अवधि में यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा देता रहेगा;

ग्रन्त: केन्द्रीय सरकार उक्त अधिनियम की धारा 36 अधारा (7) और अधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मध्यम यथार्थता वर्ग 3 को प्रस. ध. एफ. पी.टी. सीरीज टाइप के स्वतः सूचक गैर स्वचालित प्लेटफॉर्म त्रौपन उपकरण के भाड़े का (जिसे इसमें इसके पश्चात् माझल कहा गया है) जिसका विनिर्माण मैसर्स बहेम इन्डस्ट्रीजन्स, अहमदाबाद द्वारा किया गया है और जिसे अनुमोदन चिन्ह आई.एन.टी./09/95/16 संगुरुद्विषित किया गया है, अनुमोदन प्रभागन्तर प्रकाशित करती है;



(आकृति)

माझल (आकृति देखिए) एक मध्यम यथार्थता (यथार्थता वर्ग 3) का त्रौपन उपकरण है जिसकी अधिकतम धारा 100 किलोग्राम और त्रौपनात्मक अभाव 400 ग्राम है। सत्यापन भागभाग अन्तर (ई) 20 ग्राम है। इसमें पाठ टेपर युक्ति है जिसका व्यक्तिगत प्रतिवारण टेपर प्रभाव 100 प्रतिशत है। आधार और प्लेटफॉर्म धात्विक है। भारतीय शायताकार आकृति का है जिसके पाश्च 500×600 नि. मी. है। प्रकाश उत्सर्जन डायोड संप्रदर्श तोल परिणाम उपर्योगिता करता है। यह उपकरण 230 वोल्ट, 50 हर्टज के प्रत्यावर्ती धारा विद्युत प्रदाय पर प्रबलित होता है।

ग्राम, केन्द्रीय सरकार, पहले घोषणा करती है कि माझल के अनुमोदन के इस प्रभाग पत्र के अंतर्गत उसी विनियमिता द्वारा उसी सिद्धान्त के अनुसार और उसी सामग्री से, जिसे अनुमोदित गाझल का विनिर्माण किया गया है विनियमित 50 किलोग्राम, 60 किलोग्राम, 150 किलोग्राम, 200 किलोग्राम, 500 किलोग्राम, 1000 किलोग्राम, और 2000

किसी ग्राम का अधिकतम क्षमता वाले सबलार भी न, यथार्थता और उसी सिराज के कार्यकरण वाले सौनिम उपकरण भी है।

[फा.सं. उल्पू एम-21 (61)/93]
राजीव आवास्तव, मधुकर सचिव

New Delhi, the 6th February, 1996

S.O. 539.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of Model of self-indicating non-automatic platform weighing instrument of type SUF-PT series of class III Medium accuracy (hereinafter referred to as the Model) manufactured by M/s. Surfer Electronics, 4, Mithila Society, Near Shreyas Crossing, Ambawadi, Ahmedabad-15 which is assigned the approval mark IND/09/95/16

The Model (see figure) is a medium accuracy (accuracy class III) weighing instrument with a maximum capacity of 100 kilogram and minimum capacity of 400 gram. The verification scale interval (e) is 20 gram. It has a tare device with a 100 per cent subtractive retained tare effect. The base and the platform are metallic. The load receptor is of rectangular shape of sides 500X600 millimetre. The LED display indicates the weighing result. The instrument operates on 220 volt's 50 hertz alternate current power supply

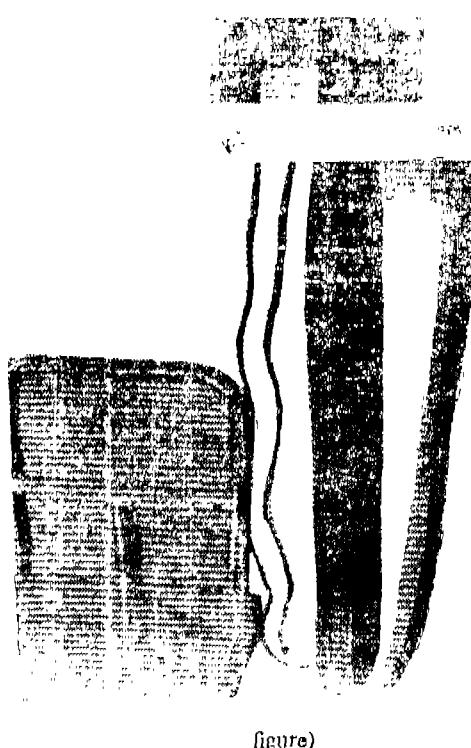


figure)

Further, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity of 50 kg, 60 kg, 150 kg, 200 kg, 500 kg, 1000 kg and 2000 kg manufactured by the same manufacturer in accordance with the same prin-

ciple and with the same materials with which the approved Model has been manufactured.

[F. No. WM-21(61)/93]
RAJIV SRIVASTAVA, Jt. Secy.

अम संवालय

नई दिल्ली, 29 दिसंबर, 1995

का.आ. 540:—आंशिक विवाद अधिनियम, 1947 (1947 का 11) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूनियन बैंक ऑफ इंडिया के प्रबन्धतंत्र के संबंध सियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट आंशिक विवाद में, केन्द्रीय सरकार आंशिक अधिकरण, कानपुर के पक्षपात को प्रशाशित करती है, जो केन्द्रीय सरकार वा 27-12-95 को प्राप्त होगा था।

[नंदा नं. 12012/157/87-D-II प/आई आर बी 2]
के.वी.बी. उण्णी, डैम्प अधिकारी

MINISTRY OF LABOUR

New Delhi, the 29th December, 1995

S.O. 540.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Union Bank of India and their workmen, which was received by the Central Government on 27-12-95.

[No. L-12012/157/87-D-II (A)IR (B-II)
K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 52 of 1988

In the matter of dispute :

BETWEEN

The Assistant General Secretary
U.P. Bank Employees Union
36/1, Kailash Mandir,
Kanpur.

AND

The Manager
Union Bank of India
Birhana Road
Kanpur.

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its Notification No. L-12012/157/87-D-II (A) dated 8-4-88 has referred the following dispute for adjudication to this Tribunal—

Whether the action of the management of Union Bank of India in denying special allowance for the duties of Special Assistant at Foreign Exchange Counter to S/S K. C. Pandey, A. K. Nigam, J. N. Tewari, S. K. Roy and D. N. Dhawan and withdrawing the special duties from each of them is justified? If not so, what relief are the concerned workmen entitled?

2. The case of the Union is that the concerned workmen named in the schedule have performed the duties of Special Assistants for the period mentioned in para two of the statement of claim but they have been denied special allowance

as per para 5.8 of 1st Bipartite Settlement. It is further alleged by the Union that special allowance is meant for discharge of additional duties and function involving greater skill and responsibilities as per para 57 of 1st Bipartite Settlement. These workmen being clerk in nature have performed higher duties requiring greater skill and responsibilities over and above routine duties and functions of clerk as such they are entitled for special allowance which has illegally been not paid to them despite request. The management has withdrawn the duties attracting special allowance without assigning any reason or notice which has changed the service condition of these workmen.

3. It is denied by the opposite party bank that the concerned workmen were assigned any duties of Special Assistant as such they are not entitled to any special allowance. The concerned workmen had only performed the clerical duties therefore they cannot claim automatically the designation of Special Assistant and Special Allowance. In any case the duties referred to by the Union cannot be termed at par to be the duties of Special Assistant. As such the concerned workmen are not entitled to any relief.

4. After exchange of papers concerned workmen failed to put in their appearance for giving their evidence. Hence management also did not give any evidence. In this way there is no evidence to prove the case of the concerned workmen.

5. Hence my award is that action of the management is justified and the concerned workmen are entitled for no relief.

6. Reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 1 फरवरी, 1996

का.प्रा. 541.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेन्डल रेलवे के प्रबन्धनात्मक के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनधिकार में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारण, जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-1-96 को प्राप्त हुआ था।

[संख्या एल-41012/58/88—ग्राइंडरबी I]
पी.जे. माईकल, डेस्क अधिकारी

New Delhi, the 1st February, 1996

S.O. 541.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of Central Railway and their workmen, which was received by the Central Government on 31-1-96.

[No. I-41012/58/88-TR (B1)]

P. J. MICHAEL, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (MP)

Case Ref. No. CGIT/CL(R)(149)/1989

BETWEEN

Shri Komal Chand Slo Shri Daduram, Post Pournia, Patal Sibron, District Jabalpur (MP).

AND

The Divisional Railway Manager, Central Railway, Jabalpur (MP).

PRESIDED IN :

By Shri Arvind Kumar Awasthy.

APPEARANCES :

For Workmen—Shri P. R. Gupta, Advocate

For Management—Shri Shailesh Mishra, Advocate

INDUSTRY : Railway DISTRICT : Jabalpur (M.P.)

AWARD

Dated, the 22nd January, 1996

This is a reference made by the Central Government, Ministry of Labour, New Delhi, vide its Notification No. L-41012/58/88-D.II (B) dated 1st August, 1989, for adjudication of the following industrial dispute.

SCHEDULE

“क्या सेन्ट्रल रेलवे जबलपुर (म.प्र.) के प्रबन्धकों द्वारा श्री कोमलचन्द तनय दाद्राम, अधिक रेलवे रेलवे, कटनी जिला, जबलपुर की सेवाएँ दिनांक 1/5/86 से समाप्त करने की कार्यवाही न्यायोचित है, अगर नहीं तो संबंधित कर्मकार किम अनुतोष का हकदार है।”

2. Admitted facts of the case are that their workman, Komal Chand, was employed on the post of Casual Khalasi at Kanji Railway Station with effect from 1-1-1985. It is also not in dispute that on 17-5-85 when the workman, Komal Chand, was working along with the other workers was met with an accident and the workman sustained severe injury which has resulted in grievous hurt and fracture; that the workman was shifted to Railway Hospital, Katni and thereafter to Railway Hospital, Jabalpur and the “Railway Hospital, Jabalpur, issued certificate of fitness dated 30-4-86; that the management has not permitted the workman to join his duties.

3. The case of the workman is that he has completed 240 days service in a calendar year. He was retrenched from the service without paying retrenchment compensation; that notice under Section 25-F of the I. D. Act was given to the workman; that the workman is entitled for reinstatement.

4. The case of the management is that the workman was declared medically unfit by the Medical Superintendent Jabalpur, for the post of Khalasi vide certificate dated 30-4-86; that the workman was not entitled for the required notice and retrenchment compensation under Section 25-F of the I. D. Act because he was found medically unfit.

5. Terms of reference was made the issue in the case.

6. Workman has examined himself. Management has examined Dr. P. C. Khulbe and produced 8 documents to prove the case.

7. The workman was employed as a Casual Labour with effect from 1-1-1985. Workman has continuously worked till 17-5-85 till he was injured in an accident; that the workman was under treatment in the Railway Hospital from 17-5-85 till 30-4-86. The workman was hospitalised on account of the accident at the time of the discharge of his duties. Consequently, by virtue of the definition under Sec 25B(1) of the continuous service it will be presumed that during the period of his hospitalisation on account of an accident the workman was in continuous service. Thus on the basis of the aforesaid admitted facts it is held that the workman was in continuous service of 240 days in a calendar year. The management has paid retrenchment compensation after termination of the service of the workman and that too at the time when the workmen raised a dispute before the Assistant Labour Commissioner. The required retrenchment notice was not served on the workman. Thus it is clear that the service of the workman was terminated without complying the provisions of Sec. 25F of the I.D. Act.

8. The only point in dispute is whether termination of services of the workman is covered by the definition of the retrenchment under Sec. 2(oo) of the I.D. Act?

9. The management has alleged that by virtue of Sub-clause (c) of the definition of Sec 2(oo) of the I.D. Act, the termination of the workman does not amount to retrenchment.

10. From the perusal of para 3 of the statement of claim, it is clear that the workman did sustain severe injury in an accident resulting in the fracture of the leg and grievous hurt. The workman, Komal Chand, has not stated on oath that he was medically fit to resume his duties as Khalasi. The workman has relied on the fitness certificate issued by the Railway Doctor to show that the workman was fit to perform his duties.

11. Ex. M/8 dated 30-4-86 is the certificate issued by the Medical Superintendent and it is clearly mentioned therein that the workman was unfit to perform his duties. The Management has examined Dr. P. C. Khulbe who has clearly stated in para 2 of his examination that the workman was not in a position to perform his duties. Consequently, on the basis of the statement of Dr. P. C. Khulbe and the admitted Fitness Certificate Ex. M/8, it is clear that the workman was not fit to perform his duties as Khalasi.

12. The expression of 'ill health' in sub-clause (c) of Sec. 2(oo) of the I.D. Act has to be construed relatively and in its context and that ill health must have bearing on the normal course of the duties. The workman was working on daily wage basis as Khalasi at Workshop at Katni. The workman was not found fit to perform his duties as Khalasi. The workman was entitled to receive the compensation for the grievous injury sustained by him at the time of his duties. The term 'ill health' used in Sec. 2(oo) of the I.D. Act, if interpreted in the aforesaid context will amount that the termination of service of the workman was rightly ordered on account of the ill health.

12. In case of Anand Bihari and another Vs. Rajasthan State Transport Corporation, Jaipur and another (1991 LLR p. 101=1991 (62) FLR 81(SC) the exact import of expression continued ill health' was considered. The Hon'ble Supreme Court has observed that continued ill health includes the incapacity to execute the work which is necessary for discharging the duty in question.

13. The workman has alleged in the statement of claim that he was fit for performing the duties. The workman has not led an iota of evidence to show that he was fit to perform his duties. On the other hand, the management has proved that the workman was unfit to perform his duties as Khalasi. The learned Counsel for the workman has contended that the management recommended to provide the light work to the workman. The management has refused to provide the light work on the ground that no light work was available for the workman. This line of argument of the learned Counsel of the workman is not enough to show that the workman was fit to resume his duty. The nature of the light work to be provided to the workman is in fact spelt out. Case of the workman in his statement of claim is not to the effect that the workman was fit to perform the light duty and as such his termination on the ground of continuous ill health is not called for.

14. It is, therefore, held that the termination of the workman is covered by Sub-clause (c) of Sec. 2(oo) of the I.D. Act and his termination cannot be termed as 'retrenchment'. The compliance of Sec. 25F was not required. The action of the management in terminating the services of the workman is held justified. Reference is answered in favour of the management. Workmen is not entitled for any relief, whatsoever. Parties to bear their own costs.

ARVIND KUMAR AWASTHY, Presiding Officer

नई दिल्ली, 1 फरवरी, 1996

का.आ. 542 :—आद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार उन रेलवे के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अन्वय में निर्दिष्ट आद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक शिक्षकरण, कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-1-96 को गाला हुआ था।

[संख्या पान-41012/64/90-आईआरबी-1]

पी.जे. माईकल, डैस्ट्रिक्ट अधिकारी

New Delhi, the 1st February, 1996

S.O. 542.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Northern Railway and their workmen, which was received by the Central Government on 31-1-1996.

[No. L-41012/64/90-I.R. (B.I.)]
P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT PANDU NAGAR, KANPUR

Industrial Dispute No. 30 of 1991

In the matter of dispute :

BETWEEN

Dinanath Tewari
Vice President
Uttar Railway Karamchari Union
2 Navin Market Parade
Kanpur.

AND

Divisional Railway Manager
Northern Railway
Allahabad Division.
Allahabad.

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its Notification No. L-41012/64/90-I.R. (D.U.) dated 2-4-91, has referred the following dispute for adjudication to this Tribunal—

Kya Mandal Rail Prabandhak Uttar Railway Allahabad dwara Mukhya Rail Path Nirikshak (Vishesh) Uttar Railway Etawah ke Adhin Bhootpurva Gangman Gulab Singh ko Djinank 4-4-85 se nishkashit karna nyayochit hai ? Yadi nahi to sambandhit karmkar kis anutosh ke haqdar hai ?

2. The concerned workman in his claim statement has alleged that he was appointed as Gangman on 31-12-82 by PW-1. N. Rly. at Etawah and he continued to work till 3-4-85. In this way he had acquired status of temporary workman. Still by verbal order his services were dispensed w.e.f. 4-4-1982 without complying provisions of Section(s) 25-F, G and H of Industrial Disputes Act, 1947. Hence, his termination is bad in law.

3. The opposite party in his written statement has alleged that the railway is not an industry. Further as appeal lies against termination order, reference is bad. Further the reference is bad because of Section 14 of Administrative Tribunal Act, 1985. It was also alleged that as the appointment of the applicant was made in breach of railway board's circular dated 27-2-78, his appointment is void.

4. The concerned workman has filed rejoinder in which nothing new has been said.

5. Thereafter the concerned workman has filed his affidavit in support of his allegations. Instead cross examining the concerned workman, the management filed another written statement in which it was alleged that the concerned workman had worked upto 14-3-85 thereafter he remained absent.

6. The management was further directed to produce papers relating to the concerned workman but the same were not filed by the railway. The management was debarred from cross examining the concerned workman by order dated 28-9-85. Thereafter the management was given opportunity to adduce his evidence. None appeared for the management consequently the management was debarred from adducing his defence. 4-1-96 was fixed for arguments. On that date both the parties advanced their arguments.

7. From the above review of file it is obvious that there is unrebutted evidence of the concerned workman in support

of his case. The management has also not chosen to cross examine the witness. Further the documents asked for were also not produced, hence inference has to be drawn against the management. In my opinion, the case of the concerned workman is fully established, as such it is held that the concerned workman has worked continuously for more than 240 days in a year. Admittedly no retrenchment compensation and notice pay was given hence, termination is bad in law.

8. As regards legal plea, I do not find any force. It is no longer res integra that Railway is an Industry. The plea that in the absence of filing of appeal reference is bad also does not hold water as no provision of law has been shown that it is incumbent upon an aggrieved person to prefer appeal before seeking reference u/s 10(1) of Industrial Disputes Act.

9. Lastly I am of the view that when certain adjudication is found to be in an undertaking and the claimant is held to be a workman, Section 14 of Administrative Tribunal Act will not come in the way of seeking redress from Industrial Tribunal.

10. In the end my award is that the termination of the concerned workman is bad in law. However, since reference has been claimed at belated stage the concerned workman will not be entitled for any back wages. Concerned workman shall also get Rs. 100 as costs of the case from the management. Reference is answered accordingly.

Dated : 22-1-1996

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 1 फरवरी, 1996

का.आ. 543.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण, चण्डीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-1-96 को प्राप्त हुआ था।

[संख्या पं-12012/111/88-डी-/III(ए)]

पी.जे. माईकल, डैस्क अधिकारी

New Delhi, the 1st February, 1996

S.O. 543.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure in the industrial dispute between the employers in relation to the management of SBI and their workmen, which was received by the Central Government on 31-1-1996.

[No. L-12012/111/88-D.III (A)]
P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE SHRI S. R. BANSAL, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, CHANDIGARH

Case No. I. D. 80/88

Zonal Secretary, State Bank of India Staff Association,
Rohtak.

Vs.

Regional Manager, State Bank of India, Regional Office,
Haryana and U.T. Region-2, Sector 8-C, Chandigarh.

For the workman—Workman in person.

For the management—Shri R. K. Chopra.

AWARD

Central Government vide their letter bearing No. L-12012/111/88-D.III (A) dated 19th November, 1988, has referred

the following dispute between the General Secretary of SBI Staff Association and the State Bank of India, Haryana and U.T. Chandigarh to this court for adjudication :

“Whether the management of State Bank in relation to NGM Branch, Rohtak in not regularising the services of Shri O. P. Dalal, messenger as per interview held by them on 5-6-81 is just and fair ? If not what relief the workman concerned is entitled to ?”

On receipt of the reference, notices were issued to the workman as well as to the management. The workman submitted his statement of claim in which he taken up the position that he was appointed as temporary messenger at Karnal Branch on 9-11-1979 and rendered 1250 days of service during the period from 9-11-1979 to 7-7-83. He appeared in the interview before the interview Board at Karnal Branch of the bank on 5-6-81 for the regular post of messenger in response to bank's letter No. BM/REC/27/116 dated 18th May 1981 and at that time the workman had put in 487 days of temporary service and was a protected employee of the bank. It is alleged that on the basis of the said interview, he was allowed to remain in the bank's service and the bank deliberately called him to attend interview which was held by the bank at Rohtak on 12-8-85 vide their letter No BM/708/85 dated 10-8-1985 without declaring the result of the interview. It is the case of the workman that the management bank did this act in order to deprive him from lawful rights/benefits. The workman however attended the said interview although the Association on his behalf rejected the calling of the workman on 12-8-1985 offered by the bank during the course of discussion before the Asstt. Labour Commissioner (C) on 9-8-85. According to the workman, the management bank has appointed a number of junior persons at Karnal and Rohtak branches between the period of first and second interview ignoring his claim. It is alleged that the management has acted with malafide intentions in allowing the juniors in permanent capacity and disallowing the workman without any cause or reason. The workman Union has therefore, demanded that the workman should be regularised as per interview held by the management on 5-6-81 by allowing all consequential benefits arising therefrom.

The management however resisted the claim of the Union. The written statement dated 19-5-89 was filed and it was pleaded that the claim is belated and the workman is estopped from claiming relief sought by him in the claim petition. It was also pleaded that the names of the alleged juniors have not been disclosed and they are also the necessary party in the present reference. It was admitted that the workman was appointed as temporary messenger on 9-11-1979 at Karnal branch and he has rendered 1250 days of service during the period from 9-11-1979 to 7-7-83. It was further pleaded that although the workman appeared for the first time before the interview Board at Karnal Branch of the bank on 5-6-81, yet he could not be absorbed permanently as his name was not sponsored by the employment exchange of the area which was the policy of the bank as per the conditions laid down by the Government of India. It was also pleaded that the workman was again called for interview on 12-8-1985 and since he submitted a No Objection Certificate from the concerned Employment Exchange he was given permanent employment as messenger w.e.f. 6-9-85. Other allegations were denied and a prayer for the rejection of claim statement was made.

The workman submitted replication dated 26-7-90 and reiterated his earlier assertions as made in the claim statement.

On these rival contentions both parties were called upon to lead evidence in support of their respective claims. The workman appeared as WW-1 and submitted his affidavit Ex. W-1 in which he broadly supported his averments as made in the claim statement. In cross-examination he admitted that his name was not sponsored by the Employment Exchange at the time when he appeared for the interview for the first time on 5-6-81. He also admitted that he brought a No Objection Certificate from the employment exchange when he appeared in the interview for the second time on 12-8-85. In rebuttal the management produced MW-1 S. M. Sikand Deputy Manager State Bank of India, Region No. III Zonal Office Haryana who produced his affidavit Ex. M-1 broadly

containing allegations as made by the management in the written statement.

I have heard the representatives of the parties. The only short question which is necessary to be determined for enabling this court to answer the reference is as to whether the management bank was justified in withholding his result of interview on account of his name not being sponsored by the employment exchange of the area. In this connection the reference may be made to Ex. M-2 copy of Memorandum No. 183 of 1980 from Personnel Department of the management bank to all the branches wherein it was made obligatory that only those candidates should be recruited whose names have been sponsored by the employment exchange of the respective areas. Ex. M-3 is the copy of letter No. V. No. 1/2/1/77-IR dated 3rd June 1980 from the Government of India, Ministry of Finance, Department of Economic Affairs, Banking Division, wherein also it was obligatory that the vacancies in all the bank should be duly notified to the Employment Exchange and only the candidates sponsored by the employment exchange should be recruited. In view of this categorical decision of the Government of India duly conveyed to the management bank, it was incumbent upon the management bank to recruit only those persons whose names have been duly sponsored by the employment exchange of the area. Now it is admitted position on the record that the name of the workman was not sponsored by the employment exchange of the area at the time of his participation in the first interview on 5-6-81. It is also admitted fact that he procured No Objection Certificate from the employment exchange at the time of his second interview on 12-8-1985 and accepted the offer of appointment containing the terms and conditions regulating his appointment. That being the position it is not open now to the workman to turn round and say that he is deprived of the benefits arising from his permanent absorption on the basis of interview held on 5-6-1981. The position of the bank management throughout been that the workman was working only as temporary messenger since 9-11-1979 firstly at Karnal branch, later on at Ropar Branch. He could not have been made permanent without his name having been sponsored by the employment exchange as per conditions laid down in the Government of India, communication Ex. M-3 referred to above and instructions issued by the Personnel Department vide Ex. M-2. I have, therefore, come to the definite conclusion that the workman is not justified in claiming his promotion for regularisation of service on the basis of interview held by the management bank on 5-6-81 and the action of the bank management appears to be legal and justified. The workman is therefore, not entitled to any relief on this count. The reference shall stand answered against the workman. Appropriate Government be informed suitably in this regard.

Chandigarh,

Dated : 16-1-1996

S. R. BANSAL, Presiding Officer

नई दिल्ली, 1 फरवरी, 1996

का.आ. 544 :—जीवोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक आफ पटियाला के प्रबन्धसंच के संबद्ध नियोजकों और उनके कर्मकारों के बीच, ग्रन्थांश में गिरिष्ट औद्योगिक विवाद में केन्द्रीय सरकार जीवोगिक अधिकरण, चंडीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-1-96 को पात्र हुआ था।

[संख्या प्रक्र. 12012/213/88—आईआरवीआई]
पी.जे. माइकल, डैस्क अधिकारी

New Delhi, the 1st February, 1996

S.O.544.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947),

the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Chandigarh, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of Patiala and their workman, which was received by the Central Government on the 31-1-96.

[No. L-12012/213/88-IRBII
P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE SHRI S. R. BANSAL, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT

CHANDIGARH

Case No. I.D. 7/89

State Bank of Patiala Staff Union (Regd.)
719/22-A, Chandigarh, through its General Secretary Shri B. L. Sharma

Vs.

The management of State Bank of Patiala through its, General Manager (Operations) Head Office, The Mall, Patiala

—Respondent

For the Workman—Shri Hardial Singh
For the Management—Shri N. K. Zakhmi

AWARD

Central Govt. in exercise of the powers under Section 10(1)(d) of the Industrial Disputes Act 1947, for short called as the Act, vide letter bearing No. L-12012/213/88-D-3(a) dated 6-1-1989 has made the following reference to Tribunal for adjudication :—

“Whether the action of the State Bank of Patiala in denying promotion to Shri R. D. Verma, Daftry at Sector 22-D Branch Chandigarh as Clerk is legal and justified ? If not, to what relief is the concerned workman entitled and from what date ?”

On receipt of the reference, notice were issued to the workman as well as management. The workman appeared and submitted his statement of claim and pleaded that he joined the service of the management as messenger in August 1970 at Ghaziabad Branch and later on transferred to Sector 10, Chandigarh branch. He was considered eligible for the written test for promotion from peon to clerk and accordingly he appeared in the written test in the year 1984 and qualified the same. In the meanwhile the workman was involved in a case of illegal gratification and was placed under suspension. Although he was telegraphically called for the interview on the basis of qualifying the test on 15-10-1984 but he was not selected because of the pendency of the disciplinary proceedings which ultimately concluded in the imposition of punishment of stoppage of two increments with

cumulative effect. However the workman again passed the written test and was called for interview on 17-8-87. He was questioned with regard to the charges containing in the charge sheet relating to illegal gratification. It is alleged that the interview committee was poisoned against the workman. The workman, therefore, demanded his promotion from the back date on the basis of the interview dated 15-10-1984.

The management however pleaded that the reference made is bad because promotion can not be claimed as a matter of right. On merits it was pleaded that the workman was not found suitable up to the mark by the interview committee. Moreover his reference has been rendered infructuous because he stood promoted as cashier from 1-1-89. It is admitted that that workman was involved in a case of illegal gratification of Rs. 10 for allowing a customer access to the bank record thereby jeopardising the interests of the bank. He was served with a charge sheet. A domestic enquiry was conducted. He remained under suspension from 1-8-1984 to 10-10-1985. The applicant was duly interviewed alongwith others who had qualified the test but was not found suitable. It was alleged that there was no discrimination and that a fair and proper domestic enquiry was conducted and punishment was imposed as rules. The workman preferred appeal with the appellate authority which upheld the action of the bank. It was pleaded that the reference made by the appropriate Govt. deserved to be rejected.

The workman submitted application controverting the allegations of the management as made in the written statement and reiterated his earlier pleas.

In support of his case, workman appeared as WW1 and tendered his affidavit Ex. W1. During cross-examination he admitted that he was charged sheeted for illegal gratification. He also admitted that a fair departmental enquiry was conducted against him and that although he was passed the written test on 15-10-1984 but was not selected in the interview.

The sole question to be seen in this reference is as to whether promotion can be claimed as a matter of right and secondly what was the ground on the basis of which the workman was not selected in the interview. The affidavit of Ex. M1 duly proved on the file by MW1 Paramjit Singh Manager (Personnel) shows that the workman was not found suitable as he did not obtain prescribed marks by the interview committee. It is further stated that the workman was promoted as cashier w.e.f. 1-1-1989. Pursual of para No. 5 of the affidavit shows that the bank acted in a very fair and proper manner and no discrimination what-so-ever has been made by the bank. No doubt, the service sheet of the workman from 1985 to 1988 was not produced by the management as the same

was not available but the non production of the same does not give rise to any adverse inference against the bank. It is pertinent to observe were that the departmental enquiry the workman was not absolved of the charges rather punishment of stoppage of two increment with cumulative effect was imposed and his appeal before the appellate authority against the punishment inflicted was rejected. Since departmental proceedings were pending against him, he was not found suitable by the interview committee. The right to get promotion is not a matter of right nor was the promotion denied to the workman as a measure of punishment. Moreover the workman has been promoted as cashier w.e.f. 1-1-1989 and he can not claim promotion as a matter of right. The action of the management bank in denying the promotion from peon to clerk can not be said to be illegal and unjustified and the workman is not entitled to any relief on this score. The reference is therefore, disposed of accordingly and shall stand answered against the workman. Appropriate Govt. be informed.

Chandigarh

2-1-1996

S. R. BANSAL, Presiding Officer

नई दिल्ली, 1 फरवरी, 1996

का.आ 545. —आधिकारिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक और बीकानेर एण्ड जयपुर के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट आधिकारिक विवाद में केन्द्रीय सरकार आधिकारिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-1-96 को प्राप्त हुआ था।

[संख्या ए.ल-12012/166/89-प्राइवेटबीआई]
पी.जे. माईकल, डेस्क अधिकारी

New Delhi, the 1st February, 1996

S.O. 545.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur, as show in the Annexure, in the industrial dispute between the employers in relation to the management of S.B.B.J. and their workman, which was received by the Central Government on 31-1-96.

[No. L-12012/166/89-IRBI]
P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 6 of 1992

In the matter of dispute between :

Rajesh Kumar Sharma,
Sri Heera Lal Sharma,
3/318 Bhairon Park,
Belanganj, Agra.

And

The General Manager (Operations)
State Bank of Bikaner & Jaipur,
Tilak Marg, Jaipur.

AWARD

1. Central Government, Ministry of Labour New Delhi, vide its Notification No. L-12012/166/89-I.R.B.III dated 21-1-92 has referred the following dispute for adjudication to this Tribunal—

Whether the action of the management of State Bank of Bikaner and Jaipur in terminating the services of Sri Rajesh Kumar Sharma, w.e.f. 19-10-85 was justified ? If not, to what relief the workman is entitled to ?

2. The concerned workman in his written statement has alleged that he was engaged as a peon in class IV service w.e.f. 5-8-85 at Belanganj Branch Agra of opposite party State Bank of Bikaner and Jaipur. He worked there upto 19-10-85 when his services were illegally terminated. He was working on a permanent post yet he was shown as a temporary hand which amounts to perpetration of Unfair Labour Practise. When his services were terminated juniors to him were retained in service and further no opportunity of re-employment was given to him when fresh hands were engaged by the bank, hence termination is bad in law.

3. Opposite party has filed written statement in which it was alleged that the concerned workman was appointed for fixed period to clear pending work. He has no right u/s 2(oo) of I.D. Act.

4. The concerned workman has filed rejoinder denying allegations made in written statement.

5. In support of his case the concerned workman has filed evidence supported Ext. W-1 and W-2. The certificates regarding number of working days. As the employer has failed to turn up the concerned workman could not be

cross examined. The management also failed to avail of the opportunity of giving of evidence in rebuttal.

6. Still taking into consideration period of number of work, I can take it to be a case of employment for fixed period which in itself form the concerned workman has also admitted. In my opinion, his engagement for fixed period has no right whatsoever even under section 25G and H of Industrial Disputes Act, 1947. As for a person who is employed for fixed period question of juniority or seniority does not arise. As his case is not that of retrenchment as envisaged by section 2(oo) of Industrial Dispute Act, 1947.

7. Hence on this score too the so called termination of the concerned workman is not bad in law as such the concerned workman is not entitled for any relief.

8. Reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 1 फरवरी, 1996

का.ग्रा. 546. --आंदोलिक विवाद अधिनियम, 1947 (1947 वा 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार उत्तर रेलवे के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट आंदोलिक विवाद में केन्द्रीय सरकार आंदोलिक अधिकरण, चंडीगढ़ के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार का 31-1-96 को प्राप्त हुआ था ।

[संख्या ए.ल-41012/1/92-आईआरबीआई]
पी.जे. माईकल, डैस्ट्रिक्ट अधिकारी

New Delhi, the 1st February, 1996

S.O. 546.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Chandigarh, as shown in the Annexure, in the industrial dispute between the employers in relation to the management Northern Railway and their workman, which was received by the Central Government on the 31-1-96.

[No. L-41012/1/92-IRBI]
P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE SHRI S. R. BANSAL, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Case No. 1/93

Surat Singh son of Shri Roop Chand, Bhanak,

Harijan House No. 296, Weavers Colony, Pani-Pat—
Workman

Vs.

Divisional Engineer, Northern Railway,
Panipat— Respondent.

For the Workman : Hardayal Singh
For the Management : None

AWARD

Central Govt. vide letter bearing No. L-41012/192 dated 28th December 1992 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Northern Railway in terminating the services of Shri Surat Singh, casual Labour is justified? If not what relief he is entitled to?”

2. In response to the notice, the workman appeared and submitted his statement of claim demanded his reinstatement with continuity of services and backwages. The management however did not appear despite service through Regd. AD and order dated 9-5-94 ex parte proceedings were taken against the management.

3. In his ex parte evidence, the workman appeared as WW1 and submitted his affidavit Ex. W1. The perusal of affidavit shows that the workman joined service as a casual labour on 14-11-1987 and the management terminated his services on 3-6-1988. A perusal of para No. 6 of the affidavit shows that the termination of the service of the workman was ordered in order to prevent him from completing 240 days and that the management indulged in unfair labour practice. A perusal of para No. 7 of this affidavit shows that the management appointed two persons namely Birma and Jai Bhagwan after termination of the services of the workman. Para No. 9 of the affidavit reveals that no prior notice was given and no retrenchment compensation was paid to the workman. I have gone through the affidavit of the workman carefully. The claim set up by the workman is that he joined the service on 14-11-1987 and his services were terminated on 3-6-1988. The workman has not given up any break or days for which he worked during this period which in any case is about 170 days. It however shows that the workmen had rendered 120 of service. The workmen has further admitted that he is employed as labourer and is earning Rs. 600/- per month. He is obviously not entitled to and back wages. However since juniors to the workman were retained and no prior notice was given to the workman. He entitled to reinstatement in service. The reference shall therefore, partly stand answered in favour of the workman and partly in favour of the mana-

gement. Appropriate Govt. be informed suitably in this regard.
Chandigarh.

4-1-1996

S. R. BANSAL, Presiding Officer

नई दिल्ली, 1 फरवरी, 1996

का. प्रा. 547. —आंशिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में केन्द्रीय सरकार एन्ज. जै. बै. ग्रिन्डलैंस बैंक के प्रबन्धात्मक के संबंध विवादको जार उनके कर्मकारों के बीच, आगरा में तिदिएट औद्योगिक विवाद में केन्द्रीय सरकार आंशिक अधिकरण, गुरुबाई के पंचपाट को प्रवालित करती है जो केन्द्रीय सरकार को 31-1-96 को प्राप्त हुआ था।

[संचा. प्रा. 12015/1/95-आईआरबीआई]
पी. जे. मार्कल, डैस्क ऑफिकारी

New Delhi, the 1st February, 1996

S.O. 547.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Bombay No. 2, as given in the Annexure, in the industrial dispute between the employers in relation to the management of ANZ Grindlays Bank and their workman, which was received by the Central Government on the 31st January, 1996.

[No. L-12015/1/95-IRBI]
P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 2.
MUMBAI

PRESENTS :

SHRI S. B. PANSE, Presiding Officer.

COMPLAINT NO. CGIT-2/2 OF 1994

PARTIES :

Rambhuvan R. Kahar, Bharat Nagar,
Room No. 4, Next to Siyaram Kirana
Stores Mankhurd, Bombay 400 088
— Complainant

VERSUS

ANZ Grindlays Bank, 90, Mahatma Gandhi
Road Bombay 400 001.— Opposite
Party

APPEARANCES :

For the Applicant.—Dr. R. S. Kulkarni,
Advocate.

For the Opponent.—S|Shri P. K. Rele,

A. M. Pota & R. N. Shah, Advocates.
Mumbai, dated the 9th January, 1996

AWARD

This is a complaint under section 33A of the Industrial Disputes Act of 1947 (herein after referred to as the Act).

2. The Complainant Rambhuvan R. Kahar submits that he joined the ANZ Grindlays Bank the Opponent as a sweeper-cum-peon, which is a work of a permanent nature, on 1-10-90. He was employed as temporary worker. He continued in employment without any break or interruption in service till 12-5-94. On that day his services were retrenched.

3. The complainant averred that the Central Government has made a reference bearing No. CGIT-II/47 of 1993 on 18-5-93. It relates to regularisation of temporary workmen whose are mentioned in the Annexure of the reference order. The Complainants name is shown on Sr No. 12.

4. The complainant pleaded that his services were terminated without permission of the Central Government Industrial Tribunal Court No. 2 before whom the said reference is pending. It is averred that the complainant is directly concerned workman in the reference and there is a change in condition of his service applicable to him immediately prior to the date of reference. It is submitted that thus the Opponent has contravened the provisions of section 33 of the Act.

5. The complainant asserted that the Opposite party had contravened section 5F of the Act in as much as Governments permission under section 25M of the Act is not obtained before removal of the complaint. It is submitted that junior temporary labourers to the complainant are appointed as such the Opponent violated the provisions of section 25G of the Act. It is averred that his junior persons are retained in employment and the complainant is illegally retrenched. It is submitted that the Opposite party has also violated section 25H of the Act.

6. The complainant pleaded that he was called for an interview by letter dated 17-10-92. He appeared for the said interview and continued in the employment as before. Obviously he felt that he was selected in the interview as he continued in the service. He was never informed that he has been rejected by the selection board.

7. The complainant contended that the bank had committed unfair Labour Practice under item No. 10 & 13 of the Schedule-V read with section 70 of the Act and has failed to implement the settlement dated 12-7-68 and the subsequent settlements.

8. The complainant prayed that his order of retrenchment may be quashed, he may be re-

instated in service with full back wages, continuity in service and other consequential benefits.

9. The management resisted the claim by the written statement Ex-3'. It is averred that in the guise of the present complaint the complainant seeks to raise an individual Industrial Dispute in regard to the alleged termination of service. As such the court has no jurisdiction to entertain such a dispute under section 33 of the Act. It is averred that the bank is not an industrial establishment as defined under section 25L of Chapter 5-B of the act it is submitted that there is no need to take any permission under section 25N of the said government for termination of service of the complainant. It is submitted that discontinuation or termination of the service of the complainant as aforesaid when the temporary increase in work of a permanent nature for which he was engaged ceases does not amount to retrenchment as contemplated under section 2(oo) of the Act. The question therefore of non-compliance by the bank that section 25G and section 25H cannot arise.

10. It is submitted that the Tribunal in its jurisdiction under section 33 of the Act cannot adjudicate among the dispute pertaining to the alleged breach of section 25F, 25N, 25G, and 25H of the act, and alleged commissions of unfair labour practice.

11. The bank contended that the appointment of the complainant was as per the Bi-partite settlement. He was employed temporary as an additional worker in connection with temporary increase in work of a permanent nature. It is submitted that as the work over the workman's services are discontinued on that ground cannot be construed as retrenchment. It is submitted that the complainant was engaged periodically from 1-10-90 as a temporary workman. It is that the complainant was continued in employment from 1990 till 10-5-94 without any break. It is submitted that the discontinuation/termination of the complainant under the facts and circumstances of the case does not amount to alteration in the condition of service of the complainant as the alteration contemplated under section 33 of the Act would be altering in the terms and condition of the service to the prejudice of the workman concerned while continuing in employment by termination the very relation of the employer, and employee is snapped and in law does not amount of alteration. It is, therefore, submitted that the question of violation of section 33 of the Act does not arise.

12. The management contended that in October 1992 the bank had vacancies for the staff. Applications from all the candidates who qualified were called. Notice was displayed on the notice boards of the bank on 26-8-92. The

complainant applied along with other candidates but he was not found suitable and as such he could not be absolved in the permanent vacancy. It is denied that the complainant was selected in the interview. It is averred that there is no practice of the bank to inform the candidates who were rejected. It is denied that the bank failed to implement the different settlements as allotted. For all these reason it is submitted that the complainant has not made out any case and the complainant deserved to be dismissed.

13. The complainant filed his rejoinder at Ex-'6'. The complainant reiterated the contents of the complaint. It is assessed that the bank has contravened the provisions of section 33 of the Act. As such the court has no jurisdiction to decide the matter under section 33A of the Act.

14. The points that fall for my consideration and my findings there on are as follows :

Points	Findings
1. Whether this Tribunal has jurisdiction to try this complaint ?	Yes.
2. Whether the Opponent contravened section 33(1)(a) of the I.D. Act by ordering retrenchment by the complainant who is directly involved in the Industrial Dispute pending before the Tribunal ?	Yes.
3. Whether the complainant proves that he is entitled to reinstatement with full back wages continuity of service and all other consequential benefits ?	Yes.

REASONS

15. The complainant has not entered into the witness box. He relied on the documents which he filed alongwith the complaint and the documents which he produced at Ex.-'8' and '12'. As against that the management examined Mr. Shiv Kumar Menon (Ex-7), Regional Manager of Sales and Arul Maskatkar (Ex-9) the Manager for Data Processing Operations, Cards Service Division of the Bank.

16. Arul affirmed that Kahar the complainant was appointed as temporary sub station 1-1-90 and left the services of the bank on 31-10-91. Again he joined the bank as a temporary sub staff on 1-5-92 till his termination in 10-5-94. These is no dispute over these dates. It is not in dispute that the complainant was employed as a temporary workmen as a peon cum sweeper. On 18-5-93 the Government of India, Ministry of Labour by its

order send a reference No. CGIT-II/47 of 1993 for adjudication. It is in the following ways :

1. "Whether the demand of the Grindlays Bank Emp. Union for regularising 43 temporary workmen as mentioned in Annex 'A' is justified ? If so, to what relief the workmen are entitled to ?"
2. (a) "Whether the action of the management of ANZ Grindlays Bank in terminating the services of the workmen indicated in Annex-B is legal and justified ? If not, to what relief the workmen are entitled to ?"
- (b) "Whether the demand of the Grindlays Bank Emp. Union for their regularisation in bank's service is justified ? If so, to what relief the workmen are entitled to ?"

The name of the complainant is at Sr. No. 12 in the Annexure attached to the reference.

17. It is common ground that the bank did not obtain permission of the Tribunal before retrenching the complainant.

18. Mr. Kulkarni the Learned Advocate for the complainant argued that the complainant is directly concerned workmen in the reference and by terminating retrenching him there is change in the condition of service applicable to him immediately prior to the date of reference. As such there is a contravention of the section 33 of the Act. To substantiate this argument he placed reliance on the cases between Bhavnagar Municipality and Ali Bhai Kharim Bhai & Ors. 1977 LR 834.

19. In Bhavanagar's case the Municipality employed daily rated workers to do the work of boring and in digging in its water works section. These workers have been in employment for over a year. They claimed permanency in their employment on their pending more than 90 days service. There were also certain other demands. That dispute was pending before the Tribunal. Meanwhile the Municipality decided to entrust the work which had till then been performed by these workers in the Water works section to the contractor. Naturally the workers became unnecessary and the municipality passed an order of retrenchment. The Tribunal before whom the complaint under section 33A came to be filed came to the conclusion that there is noncompliance of section 33 of the Act and as such ordered Municipality to reinstate all these workers with full back wages and continuity in service.

20. While deciding the matter their Lordships have observed that the Complainant under section 33A is maintainable only if employer contravenes section 33 of the Act. Now it has to be seen whether here in this case there is a contravention of section 33 of the Act.

21. In order to attract section 33(1)(a) of the Act the following features may be present.

- (1) There is a proceeding in respect of an Industrial dispute pending before the Tribunal.
- (2) Conditions of service of the workmen applicable immediately before the commencement of the Tribunal proceeding are altered.
- (3) The alteration of the conditions of service in regard to a matter connected with the pending industrial dispute.
- (4) The workmen whose conditions of service are altered are concerned in the pending Industrial Dispute.
- (5) The alteration of the conditions of service is to the prejudice of the workmen."

22. Now it is necessary to see whether all these five features were in the present case. It is not in dispute that there is a proceeding in respect of Industrial Dispute pending before the Tribunal bearing No. 47 of 1993.

23. There was a demand of the workers including the complainant for conversion of their temporary status of their employment into a permanent one. In that case their Lordships had further observed that retrenchment may not ordinarily under all circumstances amount to alteration to the conditions of service. For instance when a wage dispute is pending before the Tribunal and on account of abolition of a particular department the workers therein have to be retrenched by the employer. such a retrenchment cannot amount to alteration of the conditions of service. His Lordships further observed that in the Bhagallurs case it has no application. In the case before it, it can be also seen that the work which the complainant was doing was continued to be done by others. It cannot be said that the work which is done by sweeper cum peon is over. It was incumbent upon the bank to obtain prior permission of the Tribunal to change the condition of their employment leading to retrenchment of the service. The alteration effected in the temporary employment of the worker which was their condition of service immediately before the commencement of the proceeding before the Tribunal is in regard to the matter connected with the pending Industrial Dispute. The character of a temporary employment of the worker being the direct issue before the Tribunal that condition of employment, however insecure, must subsist during the pending of dispute before the Tribunal and cannot be altered to their prejudice by putting an end to that temporary condition. This could have been done only with the express permission of the Tribunal. It goes without saying that the complainant was directly concerned in pending Industrial dispute. No one can also deny that snapping of

the temporary employment of the complainant is not to his prejudice. To permit rupture in employment in this case without the prior sanction of the Tribunal will be to set at naught the avowed object of section 33 which is principally directed to preserve the status quo under specified circumstances in the interest of industrial peace during the adjudication.

24. The facts of the case of Bhavnagar Municipality and the case before me are similar. I rely upon the ratio given in the Bhavnagar's case.

25. Mr. Rele the Learned Advocate for the Opponent bank argued that clause 20.7 of the Bipartite settlement deals with temporary employees. According to him on the basis of that definition there are three categories of temporary employees. According to him the workman had not plead any evidence in the particular category who is employed. He only contended that he was employed as additional for temporary increase in work of a permanent nature. It is therefore, submitted by him that the workman was employed in a temporary vacancy and a temporary of a casual worker has no right to claim automatic regularisation in a permanent vacancy on completion of 240 days in a year and regularisation will be always subject to availability of vacancies in permanent post. So far as this workman is concerned it has nothing to do with the complaint under section 33 A of the Act. What the Tribunal has to see whether there is a breach of section 33 of the Act warranting contravention of section 33A ?

26. From the argument of the Learned Advocate for the complainant it is crystal clear that the base is of Bhavnagar's case. According to him there is a breach of section 33(1)(a). The Learned Advocate for the bank placed reliance on Rangras Ice Factory V/s. Their workmen 1957 I L.L.J 233. The facts of that case are quite different than the facts before me. Because there the industry itself ceased to exist therefore it is ilioses to talk of alteration of condition of service of the workmen of their prejudice because their services itself has come to an end. That is not the case before me.

27. The Learned Advocate for the bank also placed reliance on Silver Cloud Estate V/s. Labour Court 1960 II L.L.J 501. That was a case under section 33(2)(a) of the Act. The Learned Advocate submitted that it has an application in the present case also. There is much difference between section 33(2)(a) and 33(1)(a) of Act. It has no application.

28. Manu & Ors V/s. Aspinwall & Co. Ltd. 1963 I L.L.J 212. That was a case where all standing orders of the establishment provided some gain and there the Lordships observed that even otherwise discharged all the workers whether it is justified or not would not amount to alteration of the condition of service of the concerned workman within the meaning of the section 33(2)(a) of

the Act. Again the facts are different and Bhavnagar's case is the answer to all the cases which are cited before me by the learned advocate.

29. The bank had lead evidence to substantiate its action. It can be said that, that evidence might be sufficient for granting necessary permission under section 33 of the Act. But now that evidence has no meaning. It is pertinent to note that Ex-12/1 there is a letter from senior manager Cards Services of the bank to the complainant informing him that his services are no more required w.e.f. 4-11-91. But they appreciated his services and advised him to submit an application for getting a permanent position in the bank if he is interested. It can be further seen that thereafter the complainant had given an application. He appeared for the interview but he was not informed that he is not selected nor rejected. But he continued to be in the services till his retrenchment. This letter speaks that *prima facie* the management of the bank found the complainant suitable for the post for which he was working.

30. It is the contention of the bank that the Tribunal had no jurisdiction to decide this complaint. I do not find any merit in the same for the reasons stated above.

31. The Learned Advocate for the bank tried to distinguish the case of Bhavnagar Municipality so far as the facts before the Tribunal are concerned. It is submitted that in that case the work was of a permanent nature and which was given to the contractor. In the present case the complainant was employed in additional work accrued. Therefore the facts of that case have no application. No doubt in Bhavnagar's case the work which was done by the temporary worker was given to the contractor. But here in this case the work which was done by the complainant cannot be said to be of a durational nature. From the testimony of Shiv Kumar or that of Arul it can be said that the work of a sweeper or that of a peon can be said to be of a durational nature. There is no such evidence to show that what type of additional work was there when the complainant was employed. It can be seen that he was employed for about three to four years. That itself goes to show that there is no merit in the contention of the bank that the work was of a durational nature.

32. The bank addressed a notice dtd. 10-5-94 to the complainant (Ex-A). By the said notice his services were terminated and he was given termination dues. It can be seen that it is by way of compliance of section 25F of the Act. As I have come to the conclusion that there is a breach of section 33 (1)(a) of the Act the complainant is entitled to reinstatement in service with full back wages and other monetary reliefs. I may mention it here that by this order the workman cannot claim that he is entitled to be

absorbed permanently. As fate regarding absorption depends upon decision in the reference in which he is shown at Sr. No. 12. He can be reinstated in services only because he can prove the breach of section 33 (1)(a) of the Act, and prove his complaint under section 33A of the Act. In the result I record my findings on the points accordingly and pass the following order :

ORDER

1. The order of retrenchment dtd. 10-5-94 retrenching the complainant is quashed.
2. The bank is directed to reinstate the complainant with full back wages, continuity of service and other consequential benefits.
3. It is hereby declared that the bank has contravened the provisions of section 33(1)(a) of the Industrial Disputes Act.
4. This award be sent to the Government for necessary action.
5. No order as to costs.

S. B. PANSE, Presiding Officer

नई दिल्ली, 1 फरवरी, 1996

का.आ. 548.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार उत्तर रेलवे के प्रबन्धतान्त्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 31-1-96 को प्राप्त हुआ था।

[संख्या एल-41012/104/90-आईआरबीआई]
पी.जे. माईकल, डैस्क अधिकारी

New Delhi, the 1st February, 1996

S.O. 548.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of N. Rly. and their workman, which was received by the Central Government on the 31-1-96.

[No. L-11012/104190-JRBI]
P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR, KANPUR.

Industrial Dispute No. 131 of 1991
In the matter of dispute between :

Asst. General Secretary
Uttar Railway Karmachari Union
39-II, J, Bahumanjali Colony,
Charbagh,
Lucknow.

Divisional Personnel Officer
Northern Railway,
Moradabad.

AWARD :

1. Central Government, Ministry of Labour, New Delhi vide its notification No. L-41012/104/90-I.R.(D.U)D-2(B) dated 11-9-91, has referred the following dispute for adjudication to this Tribunal —

“Whether the D.P.O. and D.C.S., Northern Railway, Moradabad are justified in terminating the services of Shri Mannu Singh S/o Sh. Inderjit Singh w.e.f. 1-7-83? If not, what relief the workman concerned is entitled to?”

2. In the instant case the authorised representative for the Union made an endorsement on the claim petition as not pressed on 8-1-1996. In view of it, it appears that the Union is not interested in prosecuting its case.

3. Therefore the reference is answered in affirmative for want of prosecution holding that the Union workman is not entitled for any relief.

4. Reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 1 फरवरी, 1996

का.आ. 549. --आंदोलिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के प्रत्युत्तर में, केन्द्रीय सरकार मेन्टल रेलवे के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट आंदोलिक विवाद में केन्द्रीय सरकार आंदोलिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-1-96 को प्राप्त हुआ था।

[संख्या प्रा-41012/101/90—प्राईवेटीआई]
पी.जे. माईकल, डैस्ट्रिक्ट अधिकारी

New Delhi, the 1st February, 1996

S.O. 549.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the

Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Central Railway and their workman, which it was received by the Central Government on 31-1-1996.

[No. L-41012/101/90 IRBI]
P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE SHRI B.K. SRIVASTAVA, PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT PANDU NAGAR, KANPUR.

Industrial Dispute No. 126 of 1991
In the matter of dispute between
PRESENT :

Rashtriya Chaturtha Shreni Rail Mazdoor,
Congress 2/263, Namneir, Agra.

AND

DRM (P)
Central Rly.
Jhansi.

AWARD

1. Central Government, Ministry of Labour, New Delhi vide its notification No. 41012/101/90-I.R.D.U dated 11-9-91 has referred the following dispute for adjudication to this Tribunal :—

Whether the DRM(P) and Sr. DCS Central Rly. Jhansi are justified in terminating the services of Smt. Rooknani Sharma as announcer at Agra Cantt w.e.f. 1st May, 1985. If not what relief she is entitled

2. In this case the workman did not turn up for his evidence despite issue of notice. Moreover, the authorised representative for the concerned workman has also intimated the Tribunal that the concerned workman has not given him any institution for prosecuting the case.

In view of above, it appears to me that the concerned workman has not given him any instruction in the case as such he is not entitled for any relief, for want of evidence.

Reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 5 फरवरी, 1996

का.आ. 550. आंदोलिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के प्रत्युत्तर में केन्द्रीय सरकार द्वारा प्रबन्धतंत्र के संबंध नियोजकों और उनके

कर्मकारों के बीच, अनबंध में निर्दिष्ट औद्योगिक विवाद में, औद्योगिक अधिकरण, अल्लोपे के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-2-96 को प्राप्त हुआ था।

[संख्या पल-12012/78/92/प्राइवेट आर. बी. 2]
बी. के. शर्मा, डेस्क अधिकारी

New Delhi, the 5th February, 1996

S.O. 550.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Alleppey as shown in the Annexure in the industrial dispute between the employers in relation to the management of Vijaya Bank and their workmen, which was received by the Central Government on 2-2-1996.

[No. L-12012/78/92-IR (B-II)]
V. K. SHARMA, Desk Officer

ANNEXURE

IN THE COURT OF THE INDUSTRIAL TRIBUNAL,

ALLEPPEY

(Dated this the 9th day of January, 1996)

Present:

SHRI K. KANAKACHANDRAN,
Industrial Tribunal
I.D. No : 42/92
BETWEEN

The Divisional Manager, Vijaya Bank, Divisional Office, Trivandrum.

AND

The Workmen of the above concern represented by the Joint Secretary, Vijaya Bank Employees' Association, Regional Office, C/o K.P.B.W.O. Office, T.D. Road, Ernakulam-682035

Representations:—

M/s. C.P. Sudhakara Prasad,
Babu Mathew, P. Joseph,
N. Reghuraj & Elvin Peter P.J.,
Advocates, Ernakulam.

M/s. K. Ramakumar &
P. Nandakumar, Advocates,
"Sumthrupathi",
Kalathiparamba Lane,
Valanjambalam, Cochin-66.

AWARD

1. The Government of India by the reference order No. L.12012/78/92-IRB II dated 30-7-1992 had referred the following issue for adjudication:—

"Whether the demand of Vijaya Bank Employees' Association for full scale wages of subordinate staff to C. K. Rajappan, Part-time Sweeper Wellingdon Island, Cochin Branch of M/s. Vijaya Bank, is justified? If not, to what relief is the workman entitled?"

2. The union filed a claim statement in which it is contended that the workman concerned had started service as a part-time Sweeper in the Wellingdon Island, Cochin branch of the management bank on 12-1-1989. But he was given a formal appointment order only on 15-7-1989. Though the workman had made representation to the authorities concerned to regularise his service with effect from 12-1-1989 and to pay him full wages, that was not entertained. While working in the Bank, he used to work for more than 29 hours in a week and therefore he was entitled for

payment of full scale wages as per clause 181 of the first bipartite settlement. A written request made by the workman to pay him full wages on 23-3-1990 was also ended rejection. Therefore the Union's plea is for a declaration that the workman concerned is entitled to full scale wages of subordinate staff in accordance with clause 181 of the first bipartite settlement. It is also prayed to grant him other consequential benefits.

that the management Bank is also governed by various provisions that the management Bank also governed by various provisions contained in the Saatri Award, Desai Award and also the terms of bipartite settlements signed thereafter. Those awards/settlements provide for appointment of part-time Sweepers in the Bank. As per Clause 4.5 of the bipartite settlement (after the amendment) part-time Sweeper are entitled for wages on the basis of certain norms extracted hereunder:—

"Clause 9.—In Supersession of Clauses 4.5 and 20.5 of First Bipartite settlement, part-time workmen shall be entitled to graduated incremental pay scale related to their working hours, as follows :

- (a) Part-time workmen other than those belonging to the subordinate staff shall be paid one-third of the 'scale wages' and shall also be entitled to one-third of the annual increment payable under this settlement to full time workmen provided that the total hours of such part-time workmen shall not exceed 12 per week.
- (b) Part time workmen who are members of the subordinate staff shall be paid, if their normal total working hours per week are :

Up to 3 hours	at Bank's discretion with a minimum of Rs. 60/- P.M
More than 3 hours but less than 6 hours.	at bank's discretion with a minimum of Rs. 175/- P.M.
6 hours to 13 hours	One third of the scale wages with proportionate annual increment.
More than 13 hours to 19 hours.	One half of the scale wages with proportionate annual increment.
More than 19 hours to 29 hours.	Three-fourth of the scale wages with proportionate annual increment.
Beyond 29 hours.	Full Scale wages."

4. The workman was engaged as a temporary part-time Sweeper with effect from 12-1-1989. Later he was absorbed in the permanent service of the bank with effect from 15-7-1989. As per the Clause II of the appointment order, the workman is required to work only for not more than 19 hours per week. As per the Clause 14.6 of the first bipartite settlement, overtime work can be extracted from the employees even without his consent. If the workman had worked at any time more than 19 hours per week, he would have been given over time allowance. Later, on the basis of discussion with the union, his regular appointment was made effective from 12-1-1989.

It is further stated by the management that when the retrospective appointment was given, the union did not raise any allegation of violation of the provisions of bipartite settlement with regard to the hours of work and denial of legitimate wages to the workmen. Now they had raised this dispute only as an after thought. As per the appointment order itself, he was required to work only for 19 hours in a week and in fact there was no need for the Bank to extract more work from him than what had been stipulated in the appointment order. Regarding the entries in the attendance register regarding his arrival time and departure time in the Bank, it is contended that the time mentioned in the attendance register regarding that has nothing to do with the actual time during which an employee is at work. Therefore the attendance register cannot be relied on to determine the exact hours of work. In view of that, it is urged, union is to put strict proof regarding the entitlement of full scale wages to the workman.

5. Both sides adduced evidence. As per the appointment order given to the workman Ext. W-1 the total hours of work in a week is limited to 19 hours. The management is pointing

out that condition to negative the claim of the workman for getting full scale of pay to him. If the total working hours is within the limit of 19 hours in a week, a part time workman would entitled only for half the scale wages. If the total working hours in a week is between 19 hours and 29 hours, for 3/4 of the scale wages, a part-time employee is entitled. Therefore the question is whether the workman had worked 29 hours or more in a week and that is 5 hours in average a day.

6. After the evidence by both sides, this Tribunal has directed the management to produce the attendance register for the relevant period. Accordingly the learned counsel for the management produced the attendance register for the period from September, 1990 to August 1992 (two volumes). These attendance registers are signed by all staff including the Branch Manager, Assistant Manager etc. Two columns are provided in the attendance register to indicate arrival time and departure time of employees. Separate initials have to be put at both occasions. All the employees including Branch Manager and the worker herein had put initials at the respective places. If we go through the attendance register of the period from September 1990 it can be seen that the workman's arrival time was around 9 O'clock in the morning and departure time is 5 O'clock initially. Later on some occasions, departure time was at 2 P.M. or 3 P.M. In the same manner the Branch Manager had also written the arrival time and departure time. This register would show that the workman was practically in the bank most of the days up to 3 O'clock. His departure time was made 12 O'clock strictly only from September 1992 onwards i.e., after the raising of this dispute. If the total duration in a day prior to September 1992 is scrutinised, it can be seen that in average the workman was spending a minimum of 5 hours every day in the Bank. Sometimes it was more also. If he was working 5 hours in a day, the total working hours in a week will be a minimum of 30 hours. Therefore, from the attendance register maintained by the management, it is evident that the workman was working in the bank a minimum of 30 hours in a week. Since the attendance registers were found to be relevant, those were marked as Ext. C-1 (series). If the contention raised by the management regarding the departure time and arrival time recorded in the attendance register is of no relevance, it can be very well be ignored in the case of Bank Manager and other staff also. The very purpose of recording of arrival and departure is to ensure discipline in the bank. After the raising of this dispute, it appears, the bank was very particular that the workman should not be in the bank after 12 noon. That is why in all months after August 1992, his departure time is recorded as 12 O'clock. Based on the entries in the attendance registers the workman is claiming full wages. After the raising of a dispute, the management cannot contend that it was quite unnecessary for the workman to remain in the bank after 12 O'clock. The contention of the management in that respect cannot be accepted. From the attendance register produced before this Tribunal it is evident that the workman was working in the bank a minimum of 30 hours in a week. Therefore he is entitled for full scale wages up to September 1992 applicable to a part-time Sweeper.

Award is passed accordingly.

(Dated this the 9th day of January, 1996)

K. KANAKACHANDRAN, Industrial Tribunal
APPENDIX

(I. D. No. 42/92)

Witness examined on the side of the management
MW-1—K. Raveendranatha Shetty.

Witness examined on the side of the Union
WW-1—Viswanathan.

Exhibits marked on the side of the Management

M-1—Photocopy of the demand of the Vijaya Bank Employees' Association dated 10-1-1991.

M-2—Photocopy of the settlement dated 28-2-1991 between Vijaya Bank and Vijaya Bank Employees' Association.

Exhibits marked on the side of the Union

W-1—Photocopy of the Appointment order dated 15-7-1989.

W-2—Copy of the letter dated 23-3-1990 of the workman addressed to the General Manager, Vijaya Bank, Personal Department, (P.A. and J.R.) H.O., Bangalore.

W-3—Copy of the minutes of the discussion held on 25-10-1991 before the Assistant Labour Commissioner (Central) Kerala.

W-4—Photocopy of the minutes of the discussion/conciliation proceedings held on 6-2-1992 before the Asst. Labour Commissioner (Central) Kerala.

W-5—Copy of the letter dated 20-2-1992 of Assistant Labour Commissioner (Central), Kerala addressed to Secretary to Government, Ministry of Labour New Delhi.

W-6—Copy of the letter dated 24-8-92 of Vijaya Bank, Kochi, addressed to the workman.

W-7—Copy of the letter dated 19-11-92 of Vijaya Bank Employees Association, Trivandrum Addressed to the Branch Manager, Vijaya Bank, Kochi.

W-8—Copy of the extract from Bipartite settlement.

नई दिल्ली, 5 फरवरी, 1996

का.आ. 551.—ओर्योगिक विवाद अधिनियम, 1947

(1947 का 14) का धारा 17 के अनुसरण में, केन्द्रीय सरकार एक श्राविक बड़ोदा के प्रबन्धसंतळ के संबंध नियोजकों और उनके कमकारों के बीच, अनुबंध में निर्दिष्ट ओर्योगिक विवाद में, केन्द्रीय सरकार ओर्योगिक अधिकारण, 2 बम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-2-96 को प्राप्त हुआ था।

[संख्या प्रल-12012/194/91/प्राइ.आर.मी. 2]

वी. के. शर्मा, ईस्क अधिकारी

New Delhi, the 5th February, 1996

S.O. 551.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, 2 Bombay as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bank of Baroda and their workmen, which was received by the Central Government on 2-2-96.

[No. L-12012/194/91-IR(B-II)]

V. K. SHARMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

PRESENTS :

Shri S. B. Panse, Presiding Officer.

REFERENCE NO. CGIT-2/43 OF 1991

Employers in relation to the management of Bank of Baroda

AND

Their Workmen

APPEARANCES :

For the workmen : Shri A. P. Kulkarni, Advocate.

For the management : Shri R. S. Pai, Advocate.

Mumbai, dated 17th January, 1996

AWARD

The Government of India, Ministry of Labour by its order No. L-12012/194/91-IR(B-II), dated 27-9-91 had referred to the following Industrial Dispute for adjudication.

"Whether the action of the management of the Bank of Baroda in not paying allowance to Shri K. D. Gaikwad is justified? If not, to what relief the workman concerned entitled?"

2. K. D. Gaikwad the workman was appointed as a watchman-cum-peon in Bank of Baroda on 30-6-62. He joined the employment on 2nd July, 1962.

3. The Union who represented the worker contended that even though the workmen was having combined designation he was not given special allowance as per his entitlements. It is submitted that even though the workman concerned is a senior workman his juniors were given regular promotions such as Daftari, Head Peon/Hawaldars. The seniority list which was maintained by the bank is not proper and the name of Shri K. D. Gaikwad was deleted from the same. The reasons are now known to the workman nor the union regarding omission of his name from the list. One Shri S. Salvi who joined the bank as peon on 13-8-62 was offered the post of Head Peon on 5-9-82. In fact Gaikwad should have been given the said post at that time.

4. It is contended that the post of daftari i.e., the post carrying allowance post was given to Salvi in the year 1974. Thus Gaikwad was deprived of the allowance carrying post unnecessarily. Initially, the post of Daftari carrying Rs. 66/- per month and head peon/Hawaldar Rs. 76/- per month as special allowance. The special allowance for these posts change from time to time and at present Daftari allowance is Rs. 119/- per month and head peon/hawaldar allowance is Rs. 137/- per month.

5. On 24-5-88 the worker made representations to the bank that he was not given the post as per the seniority. His representation was accepted by the bank and he was given the post of head peon on 7-10-88. Thereafter the representation was made to the Asstt. Labour Commissioner on 25-4-92. It is prayed that the action of the Bank of Baroda in not paying the allowance to K. D. Gaikwad is not justified, that he is entitled to receive Daftari allowance, Head Peon/Hawaldar allowance from the respective dates of his entitlement at the rates prevailing from time to time. It is also prayed that the worker is entitled to 18% interest p.a. on the due amount with other reliefs.

6. The management resisted the claim by the written statement Ex. '3'. It is averred that as the worker has not worked as a Daftari or head peon during the relevant period he is not entitled to special allowance as per the Bi-partied settlement. It is averred that in the banks record the workmen was designated as the watchman. He was given the special allowance for watchmans post from the beginning till he was promoted as a head peon on 7-10-88. The management pleaded that as soon as the objections were raised in the year 1988 they were considered. It is averred that one person is not entitled to have two allowances at one time. It is therefore, as the workmen was getting special allowance for the post of watchman he is not entitled to get the other allowances as claimed by him.

7. The management averred that under the Bi-partied settlement such allowance is paid only on assignment of such duties and performance of the same. As the workmen had not worked under that capacity he is not entitled to the special allowance as claimed. It is prayed that the reference is liable to be dismissed with costs.

8. My Learned Predecessor framed issues for determination at Ex-'4'. The issues and my findings there on are as follows :

Issues	Findings
1. Whether the workman Shri K. D. Gaikwad is entitled to claim the daftary allowance and the Head Peon/Hawaldar allowance, as claimed by him, from the Bank management ?	Yes
2. Whether the workman did not perform the duties of the daftary/ head peon during the period prior to 7-10-1988 ?	Yes
3. Whether the action of the management of Bank of Baroda in not paying allowance to Shri K. D. Gaikwad is justified ?	No.
4. If not, to what relief is the workman concerned entitled ?	As per Order

5. What Award

As per Order.

REASONS

9. Certain facts can be said to be not in dispute. Gaikwad joined the bank on 2nd July, 1962 as per the order dated 30-6-62. He was appointed as watchman-cum-peon (Ex-1/1). Salvi the peon in the said bank was appointed on 13-8-62. He is junior to Gaikwad. Salvi was given promotion as a Daftary in the year 1974. He was receiving Daftary's allowance at the rate of Rs. 66/- per month. He was again promoted to the head peon on 5-9-82. He was given head peon allowance at the rate of Rs. 76/- per month. The name of Gaikwad the workman was omitted from the seniority list. He made a representation to the bank on 24-5-88 (Ex-7/2). The bank the representation and had given a letter to Gaikwad on 7-10-88 (Ex-7/4). By the said letter he was given the post of head peon. The workman gave consent for the said post on 11-10-88 (Ex-7/3). From 7-10-88 the workman received the head peon allowance at the rate of Rs. 76/-. It is also not in dispute that from the beginning the workman was getting watchmans allowance as he was posted as watchman-cum-peon.

10. The Learned Advocate for the management argued that one person is not entitled to have two allowances at one time. This is also not in dispute. Kulwant Singh (Ex-11) the witness for the management affirmed that when the person is entitled for two allowance at a time he is given the allowance which is higher. It appears that the allowance for the Daftary or that of head peon is higher than that of watchman.

11. Gaikwad (Ex-8) the workman, was corroborated by Pradeep Joshi (Ex-9), the Secretary of the Union on all the points. In fact these points are not disputed by the banks witness Kulwant Singh (Ex-11) when I have narrate above as admitted facts. They do not dispute the position that the workmans name was omitted from the list. Kulwant Singh in categorical term affirmed that if the name of Gaikwad would not have been omitted from the seniority list he would have received the Daftary allowance from 1974. The same is the case of head peon/hawaldar from September 1982. In other words it is not disputed by the bank that if workmen name was in the seniority list he would have received the allowance of Daftary or Hawaldar from the time when Salvi received the same. No record has come on record to show that Gaikwad was aware of the fact that his name is omitted from the seniority list. On the contrary Kulwant admits the position that the workman and the union came to know regarding the omission of the name from list when it was produced before the Asstt. Labour Commissioner. It is not the practice of the bank to display the seniority list on the notice board or to circulate the same to the person concerned or to send it to the Union. Under such circumstances it cannot be said that the workman or the Union were sitting idle even though the name of Gaikwad was deleted from the list.

12. It is tried to submit that when the representation was made by Gaikwad the management immediately took the action. In fact this action itself supports the case of the workman that he was entitled to Daftary allowance from the year 1974, and head peon allowance from 5-9-82. Mr. Rai the Learned Advocate for the management argued that one person is not entitled to two allowances at one time. This is also not in dispute but the admitted position is that the person is entitled to a higher allowance between the two. It is not the case of the management that the workman even though offered the post refused to accept it. It is common knowledge that the person will not refuse the post which is allowance carrying and gives monetary returns. No doubt the workman is not entitled to have special allowance of watchman and that of a Daftary or head peon at one time. He has to forego the special allowance of watchman which is of a less amount. The argument that as the workman had not worked in the capacity of daftary or head peon as per the Bi-partied settlement is not entitled to get the special allowance. It has no merit. Even though such an agreement is there, but the fault lies with the management. They had not given the post to the worker. It is therefore, he could not do the work. There were no reasons for the management for not allotting that work to the worker. As such, is entitled to the special allowance of daftary from the year 1974 and of the head peon from 5-9-82. Naturally he is entitled to the difference of the amount which he already received by way of special allowance of a watchman.

13. Mr. Kulkarni the Learned Advocate for the workmen placed reliance on Hindustan Lin Works Ltd. and its employees 1978 (II) I.L.I. 471. That was a case wherein their Lordships observed that if the workmen were ready to work but kept away therefrom on account of invalid act of the employer, there is no justification for not awarding them full back wages which were legitimately due to them. Relying on the ratio of this authority I find that as the bank wrongfully did not allot the work of a Daftary and the head peon which the workman was ready to do he is entitled to the special allowance of these posts.

14. On 4th February 1992 the Union filed a Statement of Claim. They claimed 18% interest p.a. on the due amount which appears to be very exorbitant. It is needless to say that the worker was entitled to the amount which I have explained above. This amount was used by the bank. Under such circumstances the worker is entitled to interest on that amount @ 12% p.a. which is normally paid on the amount nowadays. It will meet the ends of justice. In the result I record my findings on the issues accordingly and pass the following order :

ORDER

1. The action of the management of Bank of Baroda in not paying allowance to Shri K. D. Gaikwad is not justified.
2. The management is directed to pay the difference to Special Allowance of Daftary and Head Peon from that of watchman allowance to the workman Gaikwad from the date when the two allowances were paid to Salvi his junior.
3. The management is also directed to pay 12% interest p.a. on the due amount from February 4th, 1992, till its payment.
4. The management to pay Rs. 200/- as the cost of this reference to the worker.

S. B. PANSE, Presiding Officer

नई दिल्ली, 6 फरवरी, 1996

का.पा. 552.—पौरोगिक विवाद शासितगम, 1947 (1947 का 14) की धारा 17 के अन्तर्गत में केन्द्रीय सरकार दर यंत्रार के प्रबन्धन के मंत्री नियोजनों और उनके कार्यकर्त्रों के बीच, यवरंथ में नियंत्रित पौरोगिक विवाद में पौरोगिक यथिकरण, दैदाराबाद के पंचपट को पकाशित करनी है, जो केन्द्रीय सरकार को 2 फरवरी, 1996 को प्राप्त हुआ था।

[संख्या प्राप्त-40012/105/94-ग्राह शार (धी य)]
के. धी. धी. उन्नी, डैम्प अधिकारी

New Delhi, the 6th February, 1996

S.O. 552.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Telecom and their workmen, which was received by the Central Government on the 2-2-1996.

[No. L-40012/105/94-IR(DU)]
K.V.B. UNNY, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I, HYDERABAD

PRESENT :

Shri A. Hanumanthu, M.A., LL.B., Industrial Tribunal-I.

Dated : 20th December, 1995

INDUSTRIAL DISPUTE NO. 45 OF 1995

BETWEEN :

Sri S. Eswaraiah S/o, Narasimhulu, C/o. Sri G. Narasimhappa 17/219, Jagiyan Ram Nagar, Dharmavaram-515617 (A.P.)

PETITIONER

AND

The Sub-Divisional Officer, Telecom, Dharmavaram-515 672 (A.P.)

RESPONDENT

APPEARANCES :

S/Sri C. Suryanarayana and R. Yogender Singh, Advocates for the Petitioner.

Sri P. Damodar Reddy, Advocate filed Memo of appearance, for the Respondent.

Respondent was set ex parte on 9-10-1995.

AWARD

This is a reference under Section 10(1)(d) & (2-A) of Industrial Disputes Act, 1947 (hereinafter called the 'Act') referred by the Government of India, Ministry of Labour, New Delhi by its Order No. L-40012/105/94-IR (DU), dated 15-3-1995 for adjudication of the dispute mentioned in the Schedule which reads as follows :

"Whether the Sub-Divisional Officer, Telecom, Dharmavaram is justified in terminating the services of Shri Eswaraiah Ex. Casual Mazdoor with effect from 1-12-89. If not to what relief the workman is entitled?"

The said reference has been registered as I. D. No. 45 of 1995 on the file of this Tribunal.

2. On behalf of the Petitioner-Workman, a Claim Statement is filed to the following effect :

The Petitioner belongs to 'Madiga' community which is recognised as a Scheduled Caste in A. P. He studied upto S.S.C. He could not pursue his studies as he hails from a very poor family. He registered his name in the Employment Exchange at Ananthapur under Registration No. 5244 of 1984 dated 17-10-1984. Thereafter he was employed under the Respondent for a short period from November, 1984 to July, 1985. In the month of February, 1989, the Respondent verified his Employment Registration Card, date of birth and educational qualifications as well as Caste Certificate and directed that the petitioner's name shall be included in the Muster Roll with effect from 1-2-1989. Thus the petitioner was employed as Casual Mazdoor with effect from 1-2-1989 and he was discharged from service with effect from 1-12-1989. Thus he was employed for a total period of 295 days. He was re-trenched from service with effect from 1-12-1989 for no valid or justifiable reasons and he was not given any notice and not paid notice period wages as required under the provisions of Section 25-F of the Act. The Respondent did not comply with the other mandatory provisions of Chapter V-A of the

Act, even though he had put in 240 days of service within a span of one year. Thus the retrenchment of the petitioner is ab initio void and therefore he is entitled for reinstatement into service, continuity of service and back wages as well as other incidental benefits such as protection of seniority, grant of temporary status pending his absorption in the regular establishment. The Hon'ble Tribunal may be pleased to declare that the termination of the petitioner from service with effect from 1-12-1989 is illegal.

3. On behalf of the Respondent-employer the Assistant Government Pleader filed Memo of appearance, but subsequently no counter has been filed on behalf of the Respondent. Therefore the Respondent was called absent and set ex parte on 9-10-1995. Thus the Respondent did not choose to contest in this matter even though he is served with the notice in this reference.

4. On behalf of the Petitioner-workman, W. W-1 is examined and Exs. W-1 to W-4 are marked. The petitioner-workman Eswaraiah is examined as W.W-1, and he deposed to the averments in his Claim Statement. Ex. W-1 is the xerox copy of the Caste Certificate of the petitioner, Ex. W-2 is the xerox copy of the Transfer Certificate of the petitioner. Ex. W-3 is the xerox copy of the employment card of the petitioner. Ex. W-4 is the book containing the working days particulars of the petitioner. No oral or documentary evidence is adduced on behalf of the Respondent.

5. The points for consideration are as follows :

- (i) Whether the action of the Respondent-Employer in terminating the services of the petitioner Sri S. Eswaraiah as Casual Mazdoor with effect from 1-12-1989 is justified?
- (ii) To what relief the Workman S. Eswaraiah is entitled to ?

6. Point-1 : As seen from the evidence of the Petitioner-Workman examined as W.W. 1 and the Documents Exs. W1 to W4, the Petitioner belongs to 'Madiga' community which is recognised as Scheduled Caste in the State of Andhra Pradesh. He studied upto X class. He also registered his name with Employment Exchange at Ananthapur with Registration No. 5244 of 1984 dt. 17-10-1984. As seen from the entries in Ex. W4, the petitioner was employed as Casual Labour in the Respondent-Department w.e.f. 1-2-1989 and he was discharged from service with effect from 1-12-1989. Thus for a total period of 295 days, he was employed as Casual Labour by the Respondent during the period from 1-2-1989 to the end of November, 1989 continuously. The entries in Ex. W4 are also certified by the Sub-Divisional Officer, Telecom, Dharmavaram for each month. The workman examined as W.W1 also categorically stated on oath that he was continuously engaged by the respondent as casual labour with effect from 1-2-1989 to the end of November, 1989. W.W1 further deposed that at the time of termination of his services, he was not served with termination notice nor he was paid the wages in lieu of notice. Admittedly, the respondent remained ex parte though he was served with notice. The Government Pleader filed memo of appearance on behalf of the Respondent. But subsequently he did not choose to file any counter on behalf of the Respondent contraverting the allegations of the Peti-

tioner in his claims statement. Further no oral or documentary evidence is adduced on behalf of the Respondent, rebutting the evidence of the petitioner. Further, the recitals in Ex. W4 corroborate the oral testimony of W.W1 with regard to his engagement as casual labour in the office of the Respondent and he worked in that capacity for more than 240 days during the period from 1-2-1989 to 30-11-1989. I do not find any reason to disbelieve the testimony of W.W1 with regard to his engagement as casual labour by the Respondent when his evidence is not challenged by the Respondent.

7. It is settled law that the definition of 'retrenchment' in Section 2(oo) of the Act is comprehensive one and intend to cover any action of the Management to put an end to the employment of an employee for any reason whatsoever except if the case falls within the excepted categories i.e. (1) termination by way of punishment inflicted in pursuance to the disciplinary action, (2) voluntary retirement of the workman, (3) retirement of the workman on reaching the age of superannuation if the contract of employment between the employer and the workman concerned contains a stipulation in that behalf or termination of the service of the workman as a result of non-renewal of the contract of the employment between the employer and the workman concerned on its expiry or of such contract being terminated under a stipulation in that behalf contained therein or (4) termination of the service of a workman on the ground of continued ill-health. Once the case does not fall in any of the above excepted categories, the termination of service of the workman will be 'retrenchment' within the meaning of expression under Section 2(oo) of the Act, vide D. K. Yadav Vs. I.M.A. Industrial Limited (1993-III SC 259), L. Robert D. Souja Vs. Executive Engineer, Southern Railways and another (AIR 1982 SC 9854, Oriental Bank of Commerce Vs. Presiding Officer Central Government Industrial Tribunal and another (1994-II LLJ 770 Rajas'han)). In the instant case, the services of the petitioner workman have been terminated with effect from 1-12-1989 and the said termination does not fall in any of the excepted categories under Section 2(oo) of the Act. Therefore the termination of the petitioner-workman amounts to 'retrenchment' as defined under Section 2(oo) of the Act.

8. The next aspect to be considered is whether the Respondent-employer violated the mandatory provisions contained in Section 25 of the Act, in effecting retrenchment of the petitioner. The conditions precedent for affecting the retrenchment of a workman as contained in Section 25 of the Act are applicable for only retrenchment of the workman who was continuously in service for not less than one year. Section 25-B of the Act defines continuous service of one year. As seen from Ex. W4, the petitioner was in continuous service during the period from 1-2-1989 to 30-11-1989. But the petitioner comes within the definition of 'deemed to be in continuous service of one year as defined in sub-section 2 of the Section 25-B of the Act. Under this sub-section, the workman shall be deemed to be in continuous service under employer-for a period of one year if the workman,

during the period of twelve calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than one hundred ninety days in the case of a workman employed below ground in a mine; and two hundred forty days in any other case. In the instant case it is in the evidence of the petitioner that he was retrenched from service with effect from 1-12-1989 and therefore the calculation of one year period has to be made preceding 1-12-1989. As seen from the entries in Ex. W4, the total No. of days worked during the period from February 1989 to November, 1989 comes to more than 240 days. Therefore the petitioner-workman should be deemed to be in continuous service of one year before he was retrenched from the service with effect from 1-12-1989. Hence while retrenching the petitioner, the respondent ought to have complied with the mandatory provisions as contained in Section 25F of the Act. It is in the evidence of W.W.1 that the Respondent has not issued any termination notice nor he was paid wages in lieu of notice. There is also nothing on record to show that the retrenchment compensation has been paid to the petitioner before effecting the retrenchment of the petitioner. Thus there is violation of the mandatory provisions under Section 25F of the Act before retrenching the petitioner from service. Hence the retrenchment of the petitioner is illegal and void.

9. There is also much force in the contention of the learned counsel for the petitioner that in pursuance of the circular order dt. 7-11-1989 issued by the Director General Telecommunication, the petitioner workman who was working as casual labour by the date of that circular, ought to have been granted temporary status under the scheme known as "Casual Labourers (Grant of temporary status and regulations) Scheme of Department of Telecommunication of 1989". Copy of the said circular along with its annexure relating to the said Scheme has been produced by the learned counsel for the petitioner for perusal of this Tribunal. As seen from this circular it is categorically observed that the Director Telecommunication approved the scheme for conferring the temporary status of casual labourers who were currently employed and rendered continuous service of at least one year. The details of the scheme is incorporated in the Annexure to that circular. Under Clause 5 of that Annexure relating to the scheme, temporary status could be conferred to all casual labourers who are currently employed when they have rendered continuous service at least one year and out of it they must have been engaged on work for a period of 240 days and the casual labourers would be designated as temporary mazdoors and such temporary mazdoors are entitled for certain benefits as contained in Clause 6 of that Annexure relating to it. As seen from Ex. W4 the petitioner was in service as casual labourer by the date of that circular, as his services were terminated with effect from 1-12-1989. Therefore the petitioner was entitled for conferment of temporary status as temporary Mazdoor in pursuance to that circular. Thus there is flagrant violation of instructions of the Director General of Telecommunications, in not conferring the temporary status as temporary mazdoor

on the petitioner. Viewed in this way also there is no justification for the respondent for terminating the petitioner from service with effect from 1-12-1989.

10. In the light of my above discussion, I hold on the Point No. 1 that the action of the Respondent-Management in terminating the services of the workman S. Eswaraiah with effect from 1-12-1989 is not justified.

11. POINT NO. 2: It is well settled that if the services of an employee is terminated in violation of Section 25F of the Act, the retrenchment is rendered ab initio void and the employee would be entitled to be reinstated into service along with back wages vide Gamao India Ltd. Vs. Niranjan Das (1984-I SCC Page 559) and Narottam Chopra Vs. Presiding Officer Labour Court and others (1988-IV SLR Page 388). In the instant case, admittedly, there is abnormal delay on the part of the Petitioner-workman in approaching the Asst. Labour Commissioner seeking redressal of his grievances. It is averred in para No. 4 of the Claims Statement that the petitioner submitted a complaint dt. 2-4-1994 before the Asst. Labour Commissioner (C) Ananthapur raising the Industrial Dispute against his retrenchment. Copy of the said complaint has also been submitted by the counsel for the petitioner at the time of arguments. Thus the petitioner-workman raised the dispute for the first time on 2-9-94 after a lapse of more than 4 years. The reference has been made to this Tribunal by the Government of India, Ministry of Labour, by its order dt. 15-3-1995. No explanation is forthcoming from the petitioner for the said abnormal delay in approaching the Asst. Labour Commissioner (C) for redressal of his grievance. Considering the circumstances of this case, it would meet the ends of justice if the workman is awarded reinstatement with back wages from the date of reference made by the Government of India i.e. 15-3-1995.

11. In light of my above discussion I hold Point No. 2 that the petitioner is entitled for reinstatement forthwith and back wages from 15-3-1995 and continuity of service. He is also entitled for protection of his seniority among the casual mazdoors employed by the Respondent and the petitioner is also entitled for conferment of temporary status of temporary mazdoors under the scheme known as 'Casual Labourers (Grant of temporary status and regularisation) Scheme 1989' and for the benefits under the said scheme.

12. In the result, an award is passed directing the Respondent to reinstate the workman S. Eswaraiah into service as casual mazdoor forthwith and the petitioner is entitled for back wages from 15-3-1995 with continuity of service. He is also entitled for protection of his seniority among the casual mazdoors employed by the Respondent. The Respondent is also directed to confer temporary status as casual mazdoor under the scheme known as 'Casual Labourers (Grant of temporary status and regularisation) Scheme 1989' and grant the benefits under the said scheme to the petitioner.

The Respondent is also directed to pay the arrears of the back wages to the petitioner within a period

of 6 months from the date of publication of this Award, failing which the arrears amount will carry interest at 12 per cent per annum.

The parties are directed to bear their costs.

The reference is thus answered.

Dictated to the Steno-typist, transcribed by him, corrected by me and given under my hand and the seal of this Tribunal this the 20th day of December, 1995.

A. HANUMANTHU, Industrial Tribunal-I.

Appendix of Evidence

Witnesses Examined
for Petitioner :

W.W.1 S. Eswaraiah

Witnesses Examined
for Respondent :

NIL

Documents marked for the Petitioner:

Ex. W1 Xerox copy of the caste cert.

W.W1.

Ex. W2 Xerox copy of transfer certificate of W.W1.

Ex. W3 Xerox copy of employment Card of W.W1.

Ex. W4 Working days particulars Book of W.W1.

Documents marked for the Respondent:

NIL

INDUSTRIAL TRIBUNAL-I.

नई दिल्ली, 6 फरवरी, 1996

का.ग्रा. 553.—श्रीयोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार महानगर टेलीफोन नियम लि. के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रीयोगिक विवाद में केन्द्रीय सरकार श्रीयोगिक अधिकरण, नं. 2, गम्भई के पंचम को प्रकाशित करती है, जो केन्द्रीय सरकार को 2 फरवरी, 1996 को प्राप्त हुआ था।

[संख्या प्रा-40012/61/91-ग्रा.वा.र. (जी.यू.)]

के. वि. बी. उमी, डैस्क अधिकारी

New Delhi, the 6th February, 1996

S.O. 553.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 2, Bombay as shown in the Annexure in the industrial dispute between the employers in rela-

tion to the management of MTNL and their workmen, which was received by the Central Government on the 2-2-96.

[No. L-40012/61/91-IR(DU)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

PRESENTS :

Shri S.B. Panse,
Presiding Officer.

Reference No. CGIT-2/49 of 1991

Employers in relation to the Management of Mahanagar Telephone Nigam Limited.

AND

Their Workmen

APPEARANCES :

For the Employers : Shri Vinay S. Masurkar Advocate.

For the workmen : Shri S.M. Dharap, Advocate.

Bombay, dated 30th November, 1995

AWARD

The Government of India, Ministry of Labour by its letter No. L-40012/61/91-IR(DU) dated had referred to the following Industrial Dispute for adjudication.

“Whether the management of Mahanagar Telephone Nigam Ltd. Bombay is justified in terminating the services of Shri K.R. Yadav, casual labour w.e.f. February, 1987 ? If not, what relief he is entitled to and from what date ?”

2. K. R. Yadav, Casual Mazdoor, Mahanagar Telephone Nigam Ltd., pleaded that he was employed in June, 1982. He worked as a casual labourer till February, 1987. On August 1st, 1987 he opted for leave on a medical ground. He submitted a certificate dated 31-7-87. He was under the treatment of Doctor and was asked to take a complete rest. On August 5th, 1987 when he reported to duty he was not allowed to join duty by the Junior Engineer. He then made representations to the concerned authorities but it was of no use.

3. The workmen contended that he was terminated without giving any notice as contemplated under section 25F of the Industrial Disputes Act. It is submitted that his termination is illegal and it amounts to retrenchment. It is averred that under such circumstances the MNTL may be directed to reinstate him with full back wages and continuity in the services.

4.. The management resisted the claim by the written statement Ex. '3'. It is not disputed that the workman was in employment of the M.T.N.L. as a casual labourer from June 82 to July 1987. It is submitted that in this period also on various occasions the workmen remained absent from duty and without any permission or intimation to management. It is averred that the workmen did not report to duty and abandoned his services. It is averred that his case does not fall as a retrenchment and as such there is no question of applicability of Section 25F of the Industrial Disputes Act of 1947. It is denied that the workmen cannot secure any job

or that from the date of his not being in service of M.T.N.L. he is unemployed. It is averred that the worker is not entitled to any reliefs as claimed.

5. My learned predecessor framed issues at Ex-4. The issue and my findings there on are follows :

Issues	Findings
1. Whether the termination of the service of the workman by the management of the M.T.N.L. amounted to his retrenchment from the service ?	No
2. If so, whether the mgt. had not complied with the provisions of section 25F of the Industrial Disputes Act before retrenching the said workman ?	Does not survive
3. Whether the workman himself abandoned his service with the said management ?	Yes
4. Whether the mgt. of M.T.N.L. is justified in terminating the services of Shri K. R. Yadav, casual Labour w.e.f. February, 1987 ?	The action is justified, but it cannot be termed as termination of services.
5. If not, what relief he is entitled to and from what date ?	Does not survive
6. What Award ?	As per order

REASONS

6. K. R. Yadav (Ex.-5) affirmed that he joined as a casual labour with M.T.N.L. Ltd. from June, 1982 and continued to serve till January, 1987. D.G. Karale (Ex. '8') the Assistant Engineer does not dispute the same. But he affirmed that in this period also the workman was not regular and was remaining absent on many occasions. Ex.-11/5 are the details of service particulars of the worker Yadav. These particulars are also produced by the workmen alongwith statement of claim. After perusal of these service particulars it is very clear that till July, 1987 also on many occasions the workman remained absent from duty. Even though he was casual labourer. It reveals that from February 1987 to July, 1988 he remained absent. In January, 1987 he worked only for 12 days. In the month of October, 1985 he remained absent. In the month of September, 1985 he worked only for 20 days. And if the chart is perused it reveals that he

is habitual in remaining absent. If section 25B of the Industrial Disputes Act is taken into consideration he cannot be said to be in continuous work for 240 days during the period of 12 calendar months preceding the date with reference to which calculation is to be made. Naturally his case does not fall as retrenchment. There is no application of Section 25F of the Industrial Disputes Act to the case of the workmen.

7. Yadav had made out different stories at different places. His first case is that as he was sick he could not attend duty. This case he had put in the letters which he had written to the authorities of M.T.N.L. The second case which he tried to make out in the statement of claim is that when he tried to join the duties he was not allowed to do so. That does not appear to be the correct one. No doubt Karale the witness for the management was not personally present on the spot. He deposed on the basis of the record available to them. The worker in his cross-examination had admitted that he had not sent the medical certificate to the management at the relevant time. That itself goes to show that he was reckless.

8. The case of the worker was sent to the Lok Adalat of M.T.N.L. Ex.-'11/3' is a letter by Assistant Engineer, Administration of M.T.N.L. of Wadala Telephone Exchange calling upon him to furnish the necessary details to meet out the representations for reemployment of the worker Yadav. In response to this letter the Assistant Engineer, Wadala had sent a letter (Ex. '11/4'). In this letter also it is mentioned that on earlier occasions also in view of the directions given by the superiors he was given employment even though he remained absent without intimation. His case was considered by the Lokadalat of MTNL and came to the conclusion that it cannot be considered, (Ex. 11/9). His Data Sheet (Ex. 11/8) also supports the case of MTNL.

9. The workman had produced three documents alongwith Ex.-'9'. Ex.-'9/1' is a letter dated 8-8-88 addressed by the worker to the Area Manager (North) requesting for absolving him and giving the job. In that letter he had also mentioned that he had gone to his native place and there he fell ill. But the medical certificate which is produced on the record speaks that he was advised to take a complete rest. The medical certificate is from a doctor of Thane. It is argued on behalf of the management as this is so the contention which is taken by the workman appears to be defaulted. The doctor is not examined to bring on the correctness of the medical certificate. I find substance in it. That certificate cannot be relied upon as it has not properly proved its genuineness as challenged.

10. Ex.-9/3 is a letter addressed by worker to the Regional Labour Commissioner wherein he had mentioned that from February, 1987 he was not allowed to resume the duties,

but so far as the medical certificate is concerned it speaks his illness upto August 7, 1988. Again there is a contradiction between two statements. Ex-9/2 is again another letter by the worker that the same contention which I have discussed above and contrary to his other claims. For all these reasons I find that the worker had not come before the court with clean hands. He is habitual of remaining absent from duty. Under such circumstances his case cannot be considered sympathetically also. It can be seen that the court's sympathy is always with the persons who is diligent and had the genuine difficulties. Here this worker wants to remain absent from duty at his sweet will and when he finds it difficult to get some other employment or when he finds it convenient to join M.T.N.L. he comes with different theories that cannot be allowed. For all these reasons I record my findings on the issues accordingly and pass the following Order :

ORDER

1. The Management of M.T.N.L., Bombay is justified in its action for not allowing the worker K. R. Yadav, Casual Labour to join duties w.e.f. February, 1987.
2. No order as to costs.

S. B. PANSE, Presiding Officer

नई दिल्ली, 8 फरवरी, 1996

का.आ. 554.—श्रोतोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार हिन्दुस्तान कापर लि. बालाभट, म.प्र. के प्रबन्धसंतंत्र के संबद्ध नियोजकों और उनके कम्कारों के बीच, अनुबंध में निर्दिष्ट श्रोतोगिक विवाद में केन्द्रीय सरकार श्रोतोगिक अधिकरण, जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-2-96 को प्राप्त हुआ था।

[संख्या एन-43012/15/87-डी-III (बी)]

के. बी. बी. उम्री, डैस्क अधिकारी

New Delhi, the 8th February, 1996

S.O. 554.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Malajkhand Copper Project Ltd. Balaghat and their workmen, which was received by the Central Government on the 6-2-96.

[No. L-43012/15/87-DIII(B)]
K. V. B. UNNY, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRI-
BUNAL-CUM-LABOUR COURT, JABALPUR (MP)

Case Ref. No. CGIT/LC(R)(183)/1987

BETWEEN

Mrs. Thesiamma James, Stenographer, represented through the General Secretary, Malajkhand Shramik Sangh (AITUC), P.O. Malajkhand, District Balaghat (M.P.).

AND

The General Manager, Malajkhand Copper Project Hindustan Copper Ltd., P.O. Malajkhand, District Balaghat (MP).

PRESIDED : By Shri Arvind Kumar Awasthy.

APPEARANCES:

For Workman : Shailesh Mishra, Advocate

For Management : Shri R.K. Gupta, Advocate

INDUSTRY : Copper mine DISTRICT : Balaghat (MP)

AWARD

DATED : January 24, 1996

This is a reference made by the Central Government, Ministry of Labour, New Delhi, vide its Notification No L-43012/15/87-D.III(B) Dated 15-9-1987, for adjudication of the following industrial dispute :—

SCHEDULE

“Whether the action of the management of Malanikhand Copper Project in terminating the service of Thesiamma James, Stenographer, with effect from 7-10-1986 is justified? If not, what relief the workman is entitled to ?”

2 Admitted facts of the case are that Mrs. Thesiamma James was working at Malanjkhand Copper Project as a Stenographer since 28-11-1984. It is also admitted that the charge-sheet dated 30-10- 985 was issued against the workman and following are the charge levelled against her :—

CHARGES

1. Fraud, breach of trust and dishonesty in connection with the company's business.
2. Giving false information regarding his persons such as experience at the time of employment and at any other time.

3. Forgery, falsification, tempering, manipulation of any documents or records of the company

It is also common ground that in the domestic enquiry only one charge i.e. Charge No. 2 of giving false information regarding his person such as experience was held proved; that the domestic enquiry was conducted against the workman and the services of the workman were terminated and appeal filed by the workman was also rejected.

3. The case of the workman is that she has not forged or falsified any document and her work was appreciated and she was confirmed on the post of Stenographer after six months of joining the duties. The workman has alleged that she was charge-sheeted and punished on the basis of unanimous complaint. The workman has further alleged that imposition of punishment of dismissal is against the proved facts and it is also against the Certified Standing Orders applicable to the Project; that during the domestic enquiry the management led the evidence only on charge No. 2 regarding the supply of false information by the workman; that the finding of the Enquiry Officer is based on circumstantial evidence and surmises and it is not tenable. The workman has claimed for her reinstatement with full back wages.

4. The case of the management is that the workman obtained the employment by submitting false experience certificate in respect of her working as Stenographer with effect from 1-7-79 to 30-11-1983 in a firm M/s. R. K. Millon & Co. (P) Ltd., Calcutta; that M/s. R. K. Millon & Company (P) Ltd. informed the management that the workman has worked there not as a Stenographer, but as a P.A. only for 39 days i.e. 14-2-84 to 3-4-84; that the charge was fully proved against the workman and in view of the proved misconduct the services of the workman were terminated.

5. Following are the issues in the case :—

ISSUES

1. Whether the domestic/departmental enquiry is proper and legal?
2. Whether the punishment awarded is proper and legal?
3. Whether the management is entitled to lead evidence before this Tribunal?
4. Whether the termination/action taken against the workman is justified on the facts of the case?
5. Relief and costs?

6. Issue No. 1 & 3 : Domestic enquiry on the question of its validity was not challenged by the workman, vide order sheet dated 9-7-1991 and the case was fixed by my learned predecessor for arguments on the remaining issues i.e. of question of punishment and of the perversity of findings.

7. Issue No. 4 : The case of the workman is that she has worked as Stenographer with effect from 1-7-1979 to 30-11-83 in the firm of M/s. R. K. Millon & Co. (P) Ltd., Calcutta. It is also admittedly the case that the certificate of her experience dated 15-12-83 of the management of M/s. R. K. Millon & Co. (P) Ltd. was submitted by the workman at the time of her interview and employment before the General Manager, Malanjkhand Copper Project.

8. The case of the management is that the alleged certificate dated 15-12-1983 was not signed by the Managing Director of M/s. R. K. Millon & Co. (P) Ltd.; that the workman has not worked for four years and five months i.e. from 1-7-79 to 30-11-83 in the firm, M/s. R. K. Millon & Company; that the workman has not at all worked as a Stenographer in that Company. Consequently, the only point for discussion is whether the experience certificate filed by the workman was of the Managing Director of M/s. R. K. Millon and Co. (P) Ltd.; for working for four years and five months and/or was false or genuine.

9. The workman has led not an iota of evidence before the Enquiry Officer that she has worked as a Stenographer from 1-7-79 to 30-11-83 in the firm, M/s. R. K. Millon & Co. (P) Ltd. The workman was in possession of huge evidence to establish that she worked for 4 years and 5 months as Stenographer with M/s. R. K. Millon & Company. Her co-workers in M/s. R. K. Millon & Co. were not examined by the workman nor the documentary evidence relating to her salary etc. was filed by the workman during the domestic enquiry.

10. The case of the workman was that the impugned experience certificate was given to her by her friend. The workman has not examined her alleged friend who has obtained the impugned forged certificate. No explanation for not examining such important witness was given by the workman. The workman has not examined the material witnesses viz. her alleged friend or colleague of M/s. R. K. Millon to prove that the impugned document was not forged or that she had actually worked for 4 years 5 months for M/s. R. K. Millon.

11. The workman has written a letter dated 11-11-85 to the management alleging therein that she had submitted the impugned experience certificate without verifying its correctness and she had prayed that she be excused. The workman had contradicted her earlier stand that she worked as a Stenographer for 4 years and 5 months. It was alleged by the workman during the enquiry that she worked there as a part time Stenographer. It is probably clear that the Signatures of the Managing Director on the impugned certificate are not the same as on the admitted letter Ex. E/2

written by the Managing Director of M/s. R. K. Millon and Co. The finding of the learned Enquiry Officer that the signatures of the Managing Director, Shri R. Chakravorty, were forged on the impugned certificate is just and proper.

12. The contention of the workman is that the management has failed to examine the material witness in the case viz. Shri R. Chakravorty, Managing Director of M/s. R. K. Millon and Co. from the order sheets of D.E. proceedings it is clear that Management has made all the required efforts to examine the Managing Director, Shri R. Chakravorty.

13. The workman has suppressed the evidence of proving that she has worked for four years and five months with M/s. R. K. Millon and Co. No explanation is given or oral or documentary evidence was produced by the workman that she has worked with the firm, M/s. R. K. Millon for 4 years 5 months. Signatures of the Managing Director on the impugned experience certificate were palpably forged. Workman has taken contradictory stand by subsequently changing her version that she worked there as a part time Stenographer. Consequently, it is wrong to say that the adverse inference against the management should be drawn for not examining Shri R. Chakravorty, Managing Director. In view of the fact that Shri R. Chakravorty has refused to attend as a witness no adverse inference can be drawn for not examining him.

14. Finding of the Enquiry Officer that the workman was guilty of giving false information regarding her experience of 4 years and 5 months for working with M/s. R. K. Millon and Co. is proved beyond reasonable doubt and it is fully based on the evidence on record.

15. Consequently, I hold that the finding of the Enquiry Officer that the workman has used false experience certificate at the time of her interview and employment is proved.

16. The second part of the charge No. 2 is that the workman gave false information at any other time regarding her experience. After the selection the workman had filled up the service record. Marked Ex. M/4 and attestation form, marked Ex. M/5 indicating that the same period of experience is as shown in the impugned experience certificate of M/s. R. K. Millon and Co. Thus the workman has falsely shown her period of experience in service record Ex. M/4 and Ex. M/5. The intention of the workman was to secure the employment on the basis of the false declaration. Consequently, the finding of the learned Enquiry Officer that the management has succeeded in proving the charge No. 2 is hereby confirmed. Issue No. 4 is answered in favour of the management.

17. Issue Nos. 2 and 5.—Punishment ofd ismissa awarded to the workman is proportionate to the proved misconduct. The action of the management in terminating the services of Mrs. Thesiana James, Stenographer, with effect from 7-10-1986 is held justified. Reference is answered in favour of the management. Parties to bear their own costs.

ARVIND KUMAR AWASTHY, Presiding Officer

नई दिल्ली, 7 फरवरी, 1996

का.आ. 555—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप धारा (3) द्वारा प्रबन्ध शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एवं धारा 1-3-1996 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (धारा-44 और 45 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) और अध्याय-5 और 6 (धारा-76 की उपधारा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) के उपबन्ध हरियाणा राज्य के नियन्त्रित क्षेत्रों में प्रवृत्त होंगे अर्थात्:—

“जिला शुद्धगांव में राजस्व भ्राम नो.८८द्वारा ज्ञारसा हस्तान संख्या-103 के अन्तर्गत आने वाले थेल”।

[संख्या : एस-33013/8/96-एस.एस.-1]

जे.पी. शुक्ला, अदार सचिव

New Delhi, the 7th Feruary, 1996

S.O. 555.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 1-3-1996 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter V and VI (except sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Haryana namely:—

“Areas comprising the revenue village of Mohamadpur Jharsa Had Bast No. 103 in Gurgaon Dist.”.

[No. S-38013/8/96-SS.I]
J. P. SHUKLA, Under Secy.

नई दिल्ली, 8 फरवरी, 1996

का.आ. 556.—वीयोड विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार विशाखापट्टनम पोर्ट इस्ट, विशाखापट्टनम के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, प्रत्येक में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, विशाखापट्टनम के पंचायत को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-2-96 को प्राप्त हुआ था।

[संख्या एल-34013/2/93-प्राई.प्रार. (विविध)]
के. बी. बी. उमी, डेक अधिकारी

New Delhi, the 8th February, 1996

S.O. 556.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Vishakhapatnam as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Vishakhapatnam Port Trust, Vishakhapatnam and their workmen, which was received by the Central Government on 6-2-1996.

[No. L-34013/2/93-JR (Misc.)]
K. V. R. UNNY, Desk Officer

ANNEXURE

IN THE COURT OF INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT VISAKHAPATNAM

PRESENT :

Smt. G. Jaishree, B.Sc. LL.M., Chairman and Presiding Officer.

Tuesday, the 19th day of December, 1996

I. T. I. D. No. 4/94 (Central)

The General Secretary,
Port and Dock Employees Association,
Ramanapadma Nilayam,
Dno 14-25-32-A, Dandu Bazar,
Maharanipeta,
Visakhapatnam-2
.. Workman.

AND

The Chairman,
Visakhapatnam Port Trust,
Visakhapatnam-35
.. Management.

This dispute coming on for final hearing before me in the presence of the petitioner in person and Sri P. Srinivasa Rao, Senior Law Officer, Visakhapatnam Port Trust for management upon hearing the arguments of both sides the court passed the following :

AWARD

1. In this case reference is made by the Government of India under Section 10(1)(d) of the I. D. Act for settlement of dispute existing between Visakhapatnam Port Trust and the workmen in the following terms.

“Whether the demand of the union to reduce datum from 30,000 tonnes to 25,000 tonnes by calculating from 20,000 tonnes to earn incentive in case of ESSAR Ships is justified ? If not to what relief the union is entitled ?”

2. In the claim statement filed by the workman, it is stated that the workmen are working in Ore Handling Complex section which is one of the vital wings of Mechanical Department and they performed the function of receiving Iron Ore from Bailelala Iron Ore Mines by Rail Transport and after dumping the Iron Ore in the stacks, the same is again loaded in the ships for export to Japan. It is stated that in Ore Handling Complex, an incentive scheme was started from the year 1986 with a view to increase the level of production in the Plant and to achieve the targets of productivity in Mechanical, Iron Ore Handling Operations. According to this scheme, for the vessels below 1 lakh tonner, datum was fixed for 40,000 tonnes per day and incentive is payable from 30,000 tonnes. The rate of incentive is 0.80 ps. per tonne between 30,000 to 50,000 tonnes and above 50,000 it is payable at the rate of Re. 1 per ton.

3. It is stated that the ESSAR Gujarat started loading of Iron Ore a Visakhapatnam Port Trust from the year 1990. The Majority of these vessels are below 40,000 tonnes capacity, which do not fall in the ambit of Incentive Scheme. When the issue was taken up with the management by the union, the management agreed to pay incentive duly fixing datum for 30,000 by calculating incentive from 20,000 tonnes handled, which was irrational and not beneficial to the workers concerned. The Asst. Labour Commissioner (C) advised the management to re-examine the issue and recommended for reduction of datum but the same is not materialised by the management.

4. The reduction of datum for ESSAR ships is claimed from 30,000 tonnes of handling to 20,000 tonnes duly calculating incentive from 15,000 tonnes instead of 20,000 tonnes onwards on the ground that the loading rate of ESSAR ships will be less as there are dericks involving hatch changing consuming lot of time and preventing speedy handling and on the further ground that in ESSAR ships the lifting capacity from each hatch was confined to only 1500 tonnes but whereas in MMTC ships, the lifting rate is 10,000 tonnes and the involvement of change of hatches is a hurdle for the speedy operations. The capacity of each hatch for MMTC vessels is around 10,000 tonnes and loading can be made at the rate of 5,000 tonnes per hour. As the capacity of ESSAR ships is less, it cannot be loaded more than 1500 tonnes per hour. It is further stated that the Iron Ore will be stacked at 3 stack piles at OHC i.e. East, Middle and West. The Iron Ore of ESSAR vessels is stacked at only one stack. In MMTC ships, ore can be loaded by (bucket wheel reclaimer-I, II and III) but in ESSAR ships Ore can be loaded only with one bucket wheel reclaimer, by which factor also the ESSAR ships are lagging behind in the loading rate. Thus, it is prayed that the

datum fixed by the management in the payment of incentive for ESSAR ships in unreasonable and irrational and suitable relief may be granted by this Tribunal.

(5) The management filed counter statement opposing the claim. It is stated that the incentive scheme is in operation in the respondent organisation since 1986 and it covers vessels of one lakh tonnes capacity but did not cover the ESSAR ships which have the capacity of 60,000 tonnes. At that stage, a committee was constituted to make a review and submit its report. Pending finalisation of the review of the existing incentive scheme which is under progress, a decision was taken to extend the existing incentive scheme, to the ESSAR vessels of 50,000 capacity duly fixing the datum as 30,000 tonnes per berth per day and rate as 0.80 ps. per tonne from 20,000 tonnes after crossing 30,000 tonnes. It is pleaded that MMTC is bringing vessels of capacity of 50,000 tonnes to 60,000 tonnes many a time and since 40,000 tonnes is fixed as norms for these vessels, keeping a norm of 30,000 tonnes to ESSAR vessels which are below 50,000 tonnes is quite reasonable. It is stated that the incentive was aiming at crossing the production level and there is no meaning in keeping the datum level so low as 20,000 tonnes as alleged by the petitioners. Ultimately, it is pleaded that the issue has not become final in as much as the committee's recommendations were still to be finalised and accepted by the management and the dispute is premature and does not attract adjudication by the tribunal

(6) No oral evidence is laid by both sides and no documents are filed on either side. Both sides filed written arguments. Petitioner claim statement counter statement and written arguments filed by both sides.

(7) The points that arise for consideration are :

(1) Whether the dispute is pre-mature as contended by the management ?

(2) Whether the demand of the union to reduce the 30,000 tonnes to 25,000 tonnes by calculating by 25,000 tonnes to incentive in case of ESSAR ships is justified ?

(3) To what relief is the union entitled ?

(8) Point No. 1.—It is contended by the management that as the ESSAR ships are having the capacity of 50,000 to 60,000 tonnes and as the incentive scheme covered vessels of 1 lakh tonnes capacity, the management constituted a committee to make a review and submit its report in the case of ESSAR ships and pending the recommendations of the committee, a decision was taken to extend the existing incentive scheme to ESSAR vessels of 50,000 capacity duly fixing the datum as 30,000 tonnes. The rate of incentive is 0.80 ps. per tonne from 20,000 tonnes after crossing 30,000 tonnes. Thus, the matter is seized by the review committee appointed by the management for the purpose, and further decision of the management depends upon its recommendations. The appointed of this committee is not disputed in the written arguments filed by the petitioners but it is stated that no decision could be taken by the management even after a considerable period of more than 3 years resulting in the workers covered by the incentive scheme in OHC are deprived of the required monthly monetary benefits of vessels other than MMTC. In the circumstances, the management may be directed to expedite the matter and see that the committee submits its report expeditiously preferably within a period of 6 months from the date of receipt of this award but pending such report, it is not proper for the workmen, to claim settlement of the dispute by this tribunal. The facts of the case required expert opinion for doing justice to the workmen and it is highly desirable that the management appointed the representatives of workmen also in the review committee for proper consideration of the issue. Thus, I come to the conclusion that the dispute raised by the management is pre-mature as the management wants to come to a final decision after considering the recommendations of the review committee. Accordingly, this point is answered in favour of the management and against the workmen.

(9) Point No. 2.—This point is whether the demand of the union to reduce datum 30,000 tonnes to 25,000 tonnes by calculating from 20,000 tonnes to earn incentive in case of ESSAR ships is justified. It is stated in the petition that the incentive scheme evolved by the management from the year 1986, covers vessels below one lakh tonnes and in the scheme, datum was fixed for 40,000 tonnes per day and incentive is payable to 30,000 tonnes. The union claims that the ESSAR, Gujarat ships which started loading of Iron Ore at Visakhapatnam Port Trust from the year 1990 are below 40,000 tonnes capacity to a major extend which do not fall in the ambit of incentive scheme and when the union has taken up this issue with the management, the management agreed to pay incentive duly fixing datum for 30,000 by calculating incentive from 20,000 tonnes handled. The union claims that this is irrational and not beneficial to the workers and the management may be directed to fix the datum for the ships to 20,000 tonnes instead of 30,000 tonnes and incentive from 15,000 tonnes instead of 20,000 tonnes. It claims this reduction on various grounds that in the case of ESSAR ships there are derries and it requires hatch changing which prevents speedy handling and consumes lot of time. The management claims that pending recommendations of the review committee in this respect this datum and the incentive limit is reasonable and fair. It pleads that MMTC is also bringing vessels of 50,000 tonnes to 60,000 tonnes capacity many a time for which the norms of 40,000 tonnes datum is applied and keeping a norm of 30,000 tonnes to ESSAR vessels which are below 50,000 tonnes is quite reasonable. It further pleads that the incentive is aiming at crossing production level and there is no meaning in keeping the datum level so low as 20,000 tonnes as claimed by the petitioners. I find considerable force in this contention of the management at this stage. The management rightly appointed a review committee in this respect as it is matter of probe by the personnel in the field and pending recommendations of the review committee the fixing of datum of 30,000 tonnes and calculating the incentive from 20,000 tonnes onwards in the case of ESSAR ships appears to be reasonable at this stage. The grounds taken by the petitioners for further reducing this norms from 30,000 tonnes to 20,000 tonnes for fixing the datum and from 20,000 tonnes to 15,000 tonnes for calculating the incentive, are the matters to be considered by the review committee. At this stage, the action of the management in considering the ESSAR ships separately for this issue as they have the lesser capacity, and making the incentive scheme applicable to these ships for the benefit of the workmen, by itself is reasonable and fair. The management is bona fide in its action which is apparent from the fact that it also appointed review committee in this respect. In all these circumstances, I find the above demand of the union to reduce the datum and the incentive norm further, unjustified at this stage. Accordingly, I find this point in favour of the management and against the petitioners.

(10) Point No. 3.—In view of my findings on point Nos. 1 and 2 above, the petitioners Union is not entitled to expedite the functioning of the review committee and require it to submit a report in this respect within a period of 6 months from the date of receipt of this award by the management. For the purpose of just and proper dealing of the issue, the management is directed to include the representatives of Workmen union in the review committee.

(11) In the result, Award is passed in the following terms:

"The workmen union is not entitled to any relief at this stage pending finalisation of the incentive scheme in the case of ESSAR, Gujarat Ships. on considering the recommendations of the review committee and the management is directed to include the representatives of the concerned workmen union in the review committee in this regard and require the review committee to submit its report within a period of 6 months from the date of this order by the management."

Dictated to steno transcribed by her given under my hand and seal of the court this the 19th day of December, 1995

SMT. G. JAISHREE, Chairman and Presiding Officer

APPENDIX OF EVIDENCE IN I.T.I.D. No. 4/94(C)

WITNESSES EXAMINED

For Workman : None For Management : None.

DOCUMENTS MARKED

For Workman : Nil. For Management : Nil.

नई दिल्ली, 8 फरवरी, 1996

का.आ. 557.—श्रीद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार के विशाखापट्टनम पोर्ट ट्रस्ट, विशाखापट्टनम के प्रवन्धसंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रीद्योगिक विवाद में केन्द्रीय सरकार श्रीद्योगिक अधिकारण, विशाखापट्टनम के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-2-96 को प्राप्त हुआ था।

[संख्या एल-34011/1/91-आई आर (विवाद)]

के. वी. बी. उम्मी, डैस्क अधिकारी

New Delhi, the 8th February, 1996

S.O. 557.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Visakhapatnam as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Visakhapatnam Port Trust Visakhapatnam and their workmen, which was received by the Central Government on the 6-2-96.

[No. L-34011/1/91-IR(Misc.)]
K. V. B. UNNY, Desk Officer

ANNEXURE

IN THE COURT OF INDUSTRIAL TRIBUNAL
CUM LABOUR COURT, VISAKHAPATNAM
PRESENT :

Smt. G. JAISHREE, B.Sc., LL.M., Chairman
and Presiding Officer

Thursday, the 14th day of December, 1995

I.T.I.D. No. 6/92(C)

BETWEEN

The General Secretary,

Visakhapatnam Port Shramika Panchayat,
D. No. 21-44-2A, Chengalaraopeta,

Visakhapatnam-530 001.

—Workman

AND

The Chairman,

Visakhapatnam Port Trust,

Visakhapatnam.

—Management

This dispute coming on for final hearing before me in the presence of Sri T. S. Bhagavan, Advocate for workman and Sri Bhupathiraju Gowri Shankar Raju, Advocate for management upon hearing the arguments of both sides the court passed the following :

AWARD

(1) In this case, the Government of India referred the dispute existing between the management of Visakhapatnam Port Trust, Visakhapatnam and their workmen to this Tribunal in the following terms :

“Whether the action of the management of Visakhapatnam Port Trust is justified in fixing the retirement age of charge hands at 58 years in the Mechanical Engg. Department ? If not, to what relief they are entitled ?”

(2) Claim statement is filed by the General Secretary, Visakhapatnam Port Trust Shramika Panchayat, Visakhapatnam stating that the charge hand of C.M.E. Department are not being treated as workmen under FR 56 and not being allowed to work beyond the age of 58 years whereas the charge hands of Civil Engineering Department had been treated as workmen and are being allowed to work upto the age of 60 years. He states that the charge hands of C.E. and M.E. Departments are equal in pay scales, nature of duties and the difference is only the department for the sake of administrative convenience. Thus, it is prayed that an award may be passed treating the charge hands in C.M.E. department of Visakhapatnam Port Trust as workmen under F.R. 56.

(3) In the counter filed by the respondent, it is stated that as per the Visakhapatnam Port Employees' (age of retirement) Regulations, the age of retirement is 58 years for all employees except the 'workmen' who are appointed prior to 18-7-74 who are still governed by FR 56(b) and their age of superannuation is 60 years. It is stated that after elaborated exercise the lists of categories coming under the definition of workman were finalised. It is stated that the categories of charge hand "Carpenter", charge hand "Fitter". Charge-hand "Mason" of Civil Engineering Department have been classified as workman as they attend to their trade jobs unlike the Chargehands of Mechanical Department. It is alleged that the duties attached to the post of charge hand of Mechanical Department are purely supervisory in nature and therefore they cannot be treated as workman, under the purview of FR 56 and the claim of the union to treat them as workmen for the purpose of age of retirement may be rejected.

(4) On behalf of the workmen, WW1 to WW4 are examined and Exhibits W1 and W2 are marked. On behalf of the management, MW1 is examined and Exhibits M1 to M2 are marked.

(5) The points that arise for consideration are :

(1) Whether the charge hands in Mechanical Engineering Department of Visakha Port Trust are entitled to be classified as

“workmen” within the purview of FR 56 on par with the charge hands working in Civil Engineering Department ?

(2) To what relief the charge hands of mechanical engineering department are entitled ?

(6) Point No. 1.—The General Secretary, Visakhapatnam Port Shramika Panchayat filed claim statement stating that the chargehands of Mechanical Engineering Department are not being treated as workmen under FR 56 and are retired at the age of 58 years whereas the charge hands of Civil Engineering Department are being treated as workmen under FR 56 and are being allowed to retire at the age of 60 years. It is pleaded that charge hands of both the departments are equal in pay scales, nature of duties and the difference between them is only the department for the sake of administrative convenience. Thus, it is pleaded that the charge hands of Mechanical Engineering Department may also be treated as workman on par with the charge hands in Civil Engineering Department under FR 56. This claim is resisted by the management only on the ground that the categories of charge hand "Carpenter", charge-hand "Fitter" and chargehand "Mason" of Civil Engineering Department attend to their trade jobs unlike the charge hand of Mechanical Department whose duties are purely supervisory in nature and therefore they cannot be treated as workmen under F.R. 56. The management examined its employee as MW1 and led Ex. M1 and M2. Ex. M1 is the notification of Gazette publication dated 19-12-89. It is issued in supersession of Visakhapatnam Port Employees (Age of Retirement) Regulations, 1974 which deals with the retirement and retirement age of its employees. Clause (3) (3) of these regulations prescribes the age of retirement as 60 years for a "workmen" and an employee in clause (IV) post who joins service prior to 18-7-74. Clause (2)(v) defines the "workman" as a highly skilled, skilled, semi-skilled or un-skilled artisan employed on a monthly rate of pay. A perusal of Ex. M2 shows that the chargehand "mason chargehand "carpenter" and chargehand 'Fitter' of Civil Engineering Department are classified as "Workmen" within the meaning of this provision whereas similar charge hands in Mechanical Department are not so classified. Justifying this discrimination, MW1 deposes that the chargehand "Carpenter" or "Fitter" of Mechanical Department are only supervisors and they do not attend to actual work along with the other workers and they are only incharge of a group of persons and therefore they cannot be included in the category of workmen and cannot claim the age of retirement as 60 years. But the Jr. Secretary WW2 and the workers WW1 and WW3 depose that the charge hands in both the departments belong to the same category and their pay scales are equal and

work, duties and responsibilities also are the same and therefore they are also entitled to be categorised as workmen for the purpose of the above rule. W1 maintains in his cross-examination that the chargehand has to supervise the workmen and also work along with other workers. WW2 also maintains in his cross-examination that the charge hand works along with other workers and also supervises the work and he denies the suggestions that the chargehand working in Mechanical department only supervise the work without himself participating in the work along with others. WW3 also denies in this cross-examination that the chargehand in Mechanical department only supervises the work. Even MW1 admits that the pay scales of both these categories are the same. He states in his cross-examination that their duties are different but on further cross-examination he admits that one M. V. Patrudu who worked as chargehand in mechanical department received injuries while on duty on 26-5-91. This admission of MW1 and the evidence of WW1 to WW3 shows that the chargehands in mechanical department not only supervise the work but also work along with others. Unless a charge hand works personally the question of receiving injuries does not arise. A persual of Ex. W1 which is the list of supervisory posts in all the departments of Port Trust and which is admitted by MW1 in his cross-examination shows that the chargehand "Carpenter", chargehand "Fitter" and chargehand "Mason" of Civil Engineering Department are also included in the list of supervisory posts. Thus, this document clinchingly establishes that there is no difference in the nature of duties of chargehands in both the departments. The evidence of WW1 to WW3 and MW1 shows that the pay scales, increments and other service conditions of chargehands in both the departments are the same and they belong to only one category though the departments are separate for the purpose of administrative convenience. Thus, there is absolutely no difference between the chargehands working in Civil and Mechanical Departments. The only ground taken by the management for the purpose of not including them in the category of workmen under the above rule that the charge hands working in mechanical department performed duties of only supervisory nature, is disproved by the oral and documentary evidence as discussed by me above. Thus, the management is not justified in not categorising the chargehands in mechanical department as 'Workmen' for the purpose of the above rule of age of retirement along with the chargehands working in the civil engineering department. Accordingly, I find this point in favour of the petitioner and against the management.

(7) Point No. 2: I found on point No. 1 above the chargehands in mechanical department are entitled to be categorised as workmen for the purpose of rule (2)(v) of the Visakha Port Employees (Retirement) Regulations, 1989 and the

earlier correspondent rule. Therefore under rule (3) (3) of the said regulation the charge hands working in mechanical engineering department are entitled to continue in service upto the age of retirement of 60 years. The management is not justified in retiring them on attaining the age of 58 years.

(8) The learned counsel for the management relied upon a decision of Supreme Court reported in AIR 1991 Supreme Court 310 and contends that the workman herein cannot claim any particular age of superannuation. But the said case deals with the change of superannuation to the detriment of the workers after they joined service, and those categories were distinguished by the Supreme Court from the employees whose retirement age was 58 years. When they joined service and in that context the Supreme Court held that the age of superannuation of the second category continued to be 58 years as distinct from the employees belonging to the first category whose age of superannuation was 60 years when they joined service. In the present case the problem is different and the above Supreme Court decision has no application to the facts of this case. Here certain categories of workmen complain about the discrimination and fixing different age of superannuation for the same category of workmen on the ground which is not based on any rationale and not justified. The age of superannuation in this case depends upon the categorisation of employees as workmen within rule (2)(v) of the above regulation and the workmen here claim that they have to be categorised as such on par with the other workers of the same category as they satisfy the test of 'workmen.' Thus the Supreme Court decision has no application to the facts of this case. Accordingly, I hold on this point that the management of Visakhapatnam Port Trust is not justified in retiring the chargehands working in mechanical engineering department on attaining the age of 58 years and further hold that they are entitled to retire at the age of 60 years. I answer the reference accordingly

(9) In the result, Award is passed to the effect that the management is not justified in retiring the charge hands working in the mechanical engineering department at 58 years and they are entitled to retire at the age of 60 years on par with the chargehands working in the Civil Engineering Department. Dictated to steno transcribed by her given under my hand and seal of the court this the 14th day of December, 1995.

SMT. G. JAISHREE,
CHAIRMAN & Presiding Officer
Industrial Tribunal cum Labour Court,
Visakhapatnam.

APPENDIX OF EVIDENCE IN I.T.I.D. NO.

6/92(C)

WITNESSES EXAMINED :

FOR WORKMAN :

FOR MANAGEMENT :

MW1 : G. V. Krishna Rao.

WW1 : P. Sanjeevarao

WW2 : Mohammed Naimullah.

WW3 : S. Venkat Ramana.

WW4 : M. Rangadu.

DOCUMENTS MARKED :

FOR WORKMAN :

Ex. W1 : List of supervisory posts in C. E. Department.

Ex. W2 : Covering letter to the list of supervisory posts.

FOR MANAGEMENT :

Ex. M1 : The Gazette Publication No. 637 dt. 19-12-89.

Ex. M2 : Order reg. age of retirement issued by management.

नई दिल्ली, 8 फरवरी, 1996

का.प्रा. 558 —प्रौद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्विष्ट प्रौद्योगिक विवाद में केन्द्रीय सरकार प्रौद्योगिक अधिकरण, जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-2-96 को प्राप्त हुआ था।

[संख्या एल-12012/289/89-आई आर (बी I)]
पी. जे. माईकल, डैस्क अधिकारी

New Delhi, the 8th February, 1996

S.O. 558.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of SBI and their workman, which was received by the Central Government on the 6-2-96.

[No. L-12012/289/89-IRBI]
P. J. MICHAEL, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUAL-CUM-LABOUR COURT,

JABALPUR (MP)

CASE REF. NO. CGIT/LC(R) (25) 1990

BETWEEN :

Shri Gandhi Lal Sahu S/o Shri Radhey Lal Sahu, Gram : Dhimani, Tch. Kharsia, District Raigarh (MP).

AND

The Branch Manager, State Bank of India, Raigarh Branch, Raigarh. District Raigarh (MP).

PRESIDED IN :

By Shri Arvind Kumar Awasthy.

APPEARANCES :

For Workman : Shri R. C. Srivastava, Advocate.
For Management : Shri V. S. Shrotri, Advocate.

INDUSTRY : Banking DISTRICT : Raigarh (MP).

AWARD

Dated, January 30, 1996.

This is a reference made by the Central Government, Ministry of Labour, New Delhi, vide its Notification No. L-12012/289/89-IR(B-3) Dated 17/23-1-1990, for adjudication of the following industrial dispute :—

SCHEDULE

“Whether the action of the management of State Bank of India in terminating the service of Shri Gandhi Lal Sahu, temporary daily wages messenger at Raigarh Branch w.e.f. 3-11-81 and not offering him an opportunity for re-employment was justified ? If not, to what relief the workman is entitled to ?”

2. The admitted facts of the case are that the workman, Shri Gandhi Lal Sahu, was appointed as Messenger in the State Bank of India Branch for 90 days only.

3. The case of the workman is that the management had adopted unfair labour practice by creating artificial break in the service of the workman; that the management appointed the workman for 90 days in order to create the artificial break; that the workman was not given opportunity of hearing about his regularisation and he was retrenched from the service. The workman has claimed reinstatement with back wages.

4. The case of the management is that the workman was engaged as temporary Messenger on daily wages and he has worked for 145 days between the period of 27-4-81 to 2-11-81 at Raigarh Branch of the Bank; that opportunity was given to the workman to appear before the Selection Committee for the regular appointment and the workman remained unsuccessful; that the workman was appointed temporarily for 90 days only and as such his services were discontinued and does not amount to retrenchment within the meaning of Sec. 2(oo) (bb) of the I.D. Act.

5. Terms of reference was made the issue in the case.

6. Management has examined the Chief Manager, Shri V. N. Motiyani. Workman has neither examined himself nor any witness to prove his case.

7. From the statement of the management's witness, Shri V. N. Motiyani, it is clear that the workman was employed as temporary Messenger on daily wages for a fixed period. Consequently, the termination of the workman is not retrenchment. Management has also proved opportunity to appear before the Selection Committee and he was found unfit for the job. From the letter Ex. M1 and Attendance Register, particulars of pay, it is clear that the appointment of the workman was for a limited period on temporary basis.

8. Consequently, the action of the management in terminating the services of the workman is held justified. The Management provided the workman an opportunity for re-employment but he was found not fit for the job. Both the parts of the reference is answered in favour of the management. Parties to bear their own costs.

ARVIND KUMAR AWASTHI, Presiding Officer

नई दिल्ली, 8 फरवरी, 1996

का.आ. 559.—श्रीयोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल रेलवे के प्रबन्धतान्त्र के संबद्ध नियोजकों और उनके कमकारों के बीच, अनुबंध में निर्दिष्ट श्रीयोगिक विवाद में केन्द्रीय सरकार श्रीयोगिक अधिकरण, जबलपुर के पंचपट को प्रकाशित करता है, जो केन्द्रीय सरकार को 6-2-96 को प्राप्त हुआ था।

[संख्या एल-41012/41/87 आई आर (बो I)]
पी. जे. माईकल, ईस्क अधिकारी

New Delhi, the 8th February, 1996

S.O. 559.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Central Rly. and their workman, which was received by the Central Government on the 6-2-96.

[No. L-41012/41/87-IRBI]
P. J. MICHAEL, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
JABALPUR (MP).

CASE REF. NO. CGIT/LC(R)(25)1989.

BETWEEN :

Shri Komal Prasad S/o Billam Gangman, Unit No. 23, P.O. Malgaon, Post Katgaon Railway Station Bangrakh, Tah. Sohagpur, District Hosangabad (MP).

AND

The Senior Divisional Engineer, Central Railway, Bhopal (MP).

PRESIDED IN : By Shri Arvind Kumar Awasthy.

APPEARANCES :

For Workman : Shri R. Menon Advocate
For Management : Shri Shailesh Mishra, Advocate.

INDUSTRY : Railway DISTRICT : Bhopal (MP).

AWARD

Dated, January 24, 1996.

This is a reference made by the Central Government, Ministry of Labour, vide its Notification No. L-41012/41/87-D-2-B Dated 18th January, 1989; for adjudication of the following industrial dispute :—

THE SCHEDULE

“Whether the action of the Sr. division Engineer, Central Railway, Bhopal in removing his workman Shri Komal Prasad s/o Billam Gangman, Unit No. 23 from service w.e.f. 10-8-1985 is justified? If not, to what relief the workman is entitled to and from what date?”

2. Admitted facts of the case are that the workman, Komal Prasad, was working as Senior Gangman and he was posted at Gulabganj Station under the P.W.I., Ganj Basoda in the year 1983. It is also a common ground that the workman was working under P.W.I., Shri R.K. Srivastava and the charge-sheet was issued against the workman on the allegation that the workman misbehaved with Shri R.K. Srivastava and he was inefficient and careless in his duties; that the workman was dismissed from the service and his appeal was also rejected.

3. The case of the management is that on 28-8-84 when Shri R.K. Srivastava, P.W.I., was on R.D.S.O. Special for checking the railway track in between Bina Station & Bhopal, the Recording Car stopped due to the broken stones kept between and under the rail road to give stability to the sleepers; that on that spot the ballasts were 6"—9" above the rail road, that the workman, Komal Prasad who was on duty to supervise the work of the contract labour did not instruct the labourers to put the ballast on the required level and that the workman was found taking rest under a tree and he did not care to come to the place of the incident; that Shri R.K. Srivastava, P.W.I., asked the workman for his carelessness and for not giving the instructions to the labourers; and workman abused and threatened the P.W.I. The report was lodged against the workman and the departmental enquiry was conducted by Shri Khattri; that the workman

participated in the enquiry and the charges against the workman were found proved.

4. The case of the workman is that he had good services record that Shri R.K. Srivastava was annoyed with the workman; that workman has never misbehaved with Shri R.K. Srivastava nor he was guilty of not performing his duties. The workman has alleged that proper opportunity for producing the defence witness was not accorded to the workman during the domestic enquiry. The workman has further alleged that the findings of the Enquiry Officer are perverse. The workman has claimed reinstatement with full back wages.

5. Following are the issues in the case :—

ISSUES

1. Whether the enquiry is proper and legal?
2. Whether the management is entitled to lead evidence before this Tribunal?
3. Whether the charges of misconduct are proved on the facts of the case?
4. Whether the punishment awarded is proper and legal? Its effect?
5. Relief and costs?

6. Issue No. 1 & 2: Enquiry was held proper and legal vide order dated 30-5-1995 and Issue No 1 & 2 were accordingly answered in favour of the management

7. Issue No. 3 : Shri R.K. Srivastava, P.W.I., has stated that he was working as AP.W.I. and on 28-8-84 when he was on R.D.S.O. Special the broken stone starting jumping from the sleepers and the wheel of R.D.S.O. Special was damaged. Shri R. K. Srivastava M.W.I., has further stated that the work of ballasting was in progress and the workman, Komal Prasad Senior Gangman was the person supervising the work for putting ballasting on the railway road. Shri R.K. Srivastava has further stated that the workman was carelessly sitting under a tree and he did not care to come near the R.D.S.O. special after the incident. Shri R.K. Srivastava has further stated the workman was questioned about his carelessness and the workman stated abusing him and also threatened him. Shri R. K. Srivastava was cross examined by the workman and there is nothing in his evidence to disbelieve the veracity of his statement.

8. The workman has alleged that Shri R.K. Srivastava was personally annoyed with him. The workman has led not an iota of evidence to show that Shri R. K. Srivastava, P.W.I. was annoyed or had any grudge against the workman. Shri R. K. Srivastava is a senior officer and there is nothing to disbelieve his statement.

9. The workman has tendered written apology on 13-9-87 and therein the workman has clearly admitted his guilt of dereliction of his duties and of commission of misbehaviour. The workman again wrote a letter dated 13-8-89 admitting his guilt. On the basis of the aforesaid discussions, I hold that the finding of the learned Enquiry Officer holding the workman guilty of misconduct and misbehaviour with Shri R.K. Srivastava and of inefficient and careless working was just and proper. Issue No. 3 is answered in favour of the management.

10. The workman has alleged that he had a good record of service. The workman was charge-sheeted for unauthorised absence and he was warned vide order dated 1-11-1973. The workman was again charge-sheeted for his bad work and he was censured vide order dated 28-3-74. Inclemencies of the workman for two years was withheld for threatening and refusing to obey the orders. The workman was also charge-sheeted for participation in an illegal strike which resulted in break in his service vide order dated 23-7-83.

11. Consequently, in view of the gravity of the misconduct proved against the workman and the antecedent of the workman the action of the management of removing him from the service was just and proper.

12. Consequently, the action of the management in removing the workman, Shri Komal Prasad, from service with effect from 10-8-1985 is held justified. Reference is answered in favour of the management. Parties to bear their own costs.

ARVIND KUMAR AWASTHY, Presiding Officer

नई दिल्ली, 9 फरवरी, 1996

का.आ. 560.—श्रीधोगिक विवाद अधिनियम, 1947

(1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल बैंक ऑफ इंडिया के प्रबन्धतत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रीधोगिक विवाद में, केन्द्रीय सरकार श्रीधोगिक अधिकरण, 2 बम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-2-96 को प्राप्त हुआ था।

[मंथा एन--12012/184/86/डी II ए/श्री. आर. बी. 2]

वी. के. शर्मा, ईस्क अधिकारी

New Delhi, the 9th February, 1996

S.O. 560.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal,

2, Bombay as shown in the Annexure in the Industrial Dispute between the employers in relation to

the management of Central Bank of India, and their workmen, which was received by the Central Government on 6-2-1996.

[No. L-12012/184/86-DIIA/IR(B-II)]
V. K. SHARMA, Desk Officer

ANNEXURE
BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 2
MUMBAI

PRESENT
SHRI S. B. PANSE
PRESIDING OFFICER
REFERENCE NO. CGIT-2/3 of 1987.
EMPLOYERS IN RELATION TO THE
MANAGEMENT OF
CENTRAL BANK OF INDIA

AND

THEIR WORKMEN

APPEARANCES :

For the Workmen : Shri S. T. Sahasarabudhe Representative.

For the Employer : Shri D. M. Salodkar Representative.

MUMBAI, dated 19th January, 1996.

AWARD—PART-II

On 7-10-94 I passed the Award Part-I and came to the conclusion that the inquiry which was held against the workman was not proper and the principles of Natural Justice were not followed.

2. The management was given an opportunity to lead evidence in the matter. The management lead evidence in the matter. But ultimately the parties decided to settle the dispute on 23-11-95. The management filed a purshis that the matter is settled and the concerned award may be passed. But that was not signed by the workman. He was present in the Court hall. On inquiry he reported that he is not agreeable to the terms mentioned in Ex.-'32'.

3. Today the matter was for hearing. The parties to the dispute filed joint purshis for a consent award (Ex-33). The worker was present. The representative of the management was present. The Consent terms were read over to them. They admitted its terms and conditions. It was read and recorded. In view of the terms of the Compromise, award has to be passed. Hence I pass the following order.

ORDER

1. Award in Terms of Compromise:—

(a) That the Central Bank of India has agreed to reinstate Shri S. B. Shende as

permanent part time safai Karamchari on 1/3 scale of pay at any branch in Nagpur region of Central Bank of India.

- (b) That he will be deemed to have been taken on 1/3 scale of pay from 1-6-1978 and shall be entitled to annual increments which ought to have been received by him as per the provisions of Bipartite settlement had he been in employment.
- (c) The back wages shall be determined as payable after the date of dismissal of Shri S. B. Shende and shall be calculated with effect from 27-09-1985 and 50 per cent of the said amount shall be payable and paid to Shri S. B. Shende up to the date on which he shall be reinstated by the Bank.
- (d) Shri S. B. Shende will be given an order of appointment as permanent Part Time Safai Karmachari on 1/3 scale of pay with the incidental benefits of annual increments w.e.f. 1-6-1978, that is to say that his fitment at the time of appointment would be carried out in terms of these benefits.
- (e) It is understood by both the parties that no arrears or any benefit of leave, medical aid, bonus, L.F.C.P.F. or any other incidental benefits in terms of the Bipartite settlement will be payable to Shri Shende.
- (f) It is agreed between the parties that Shri S. B. Shende would be paid back wages at the rate of 50 per cent as per Clause 3 above and that he would not be entitled to any other monetary benefits for the period from 27-9-85 to the date of re-instatement.
- (g) His date of appointment in the Bank for the purpose of Seniority only for future promotions to 1/2 PTSK, Full Time Safai Karmachari of Sub-ordinate staff or clerk will be decided taking into account his notional seniority as mentioned in clause 2 above, as per rules of the Bank, framed from time to time.
- (h) It is also agreed between the parties that the terms of agreement set out in this joint purshis would be complied with by the parties on or before 1-3-1996.
- (i) It is agreed by parties to bear their own costs of proceedings before this Hon'ble Tribunal.

(j) Parties have also agreed that they will not contest the matter further in any court for any reason or for any point arising prior to the date of this application.

S. B. PANSE, Presiding Officer

नई दिल्ली, 9 फरवरी, 1996

का.आ. 561.—प्रोग्रामिक विवाद अधिनियम, 1947 (1947 का 14) को धारा 17 के अनुसार में, केन्द्रीय सरकार यूको बैंक के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके नियोजकों के बीच, अनुबंध में निर्दिष्ट श्रीदोगिक विवाद में, केन्द्रीय सरकार श्रीदोगिक अधिकरण, धनबाद सं. 2 के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-2-96 को प्राप्त हुआ था।

[संख्या प्र. 12012/245/92/आई.आर.बी. 2]
बी. के. शर्मा, डैस्क अधिकारी

New Delhi, the 9th February, 1996

S.O. 561.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Dhanbad No. 2 as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of UCO Bank and their workmen, which was received by the Central Government on 6-2-1996.

[No. L-12012/245/92 IR(B-II)]
V. K. SHARMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri D. K. Nayak, Presiding Officer

In the matter of an Industrial dispute under Section 10(1)(d) of the I.D. Act, 1947

REFERENCE NO. 31 OF 1997

PARTIES :

Employers in relation to the management of UCO Bank, Patna AND Their workmen.

APPEARANCES :

On behalf of the workmen : Shri B. Prasad, State Secretary, UCO Bank Employees' Association.

On behalf of the employers : Shri S. C. Sarkar, Dy. Chief Law Officer.

STATE : Bihar.

INDUSTRY : Banking.

Dhanbad, the 29th January, 1996

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(I)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-12012/245/92 dated, the 8th December, 1992.

SCHEDULE

"Whether the action of the management of UCO Bank of terminating the services of Sh. Ganesh Poddar and refusing his claim of reinstatement with back wages in the service of Bank, is justified and legal ?"

2. For the purpose of adjudication of the aforesaid reference the workman filed W.S. through the sponsoring union stating inter alia that he joined in the services in UCO Bank (hereinafter referred to as Bank) at Puchrukhi branch, Bhagalpur on 8-6-1981 as temporary Peon on the basis of daily wages at the rate of Rs. 5 initially and the same was raised to Rs. 7 on and from 30-6-1982.

3. The said concerned workman passed 8th standard and his appointment was against the permanent post and in the said branch there was no sub-staff which is essential for all the branches. During his service time he used to perform 7 hours duty atleast by way of handling of ledgers registers of the Bank moving the ledgers and the registers from almirah and keeping them on different counters, carrying token scroll book to cash department and accounts department, stitching of vouchers, post of mails, cleaning of chairs etc. including serving water to the member staff and the customers.

4. His appointment was against the permanent vacancy and he had expectation that he would be absorbed therein in view of his suitability and performance of duties. But all on a sudden he was terminated from the services of the bank on and from 12-4-1983 verbally without assigning any reason whatsoever. It may be mentioned that he discharged the duties in between 8-6-81 and 11-4-1983 in the Bank to the satisfaction of all concerned and thereby he completed service of more than 500 days and thus he continued in service for more than 240 days of continuous service in one year as defined under Section 25B of the I.D. Act, 1947. Inspite of such fact neither he was served with any termination notice nor he was given any notice pay and retrenchment compensation. Immediately after termination

the concerned workman took up the matter with the Bank management but the management paid no heed to it. Also he approached the higher officials of the Bank but they did not do anything inspite of their assurance. As he failed to get reinstatement in his service an application was made in response to the Bank's circular No. ZOP : PAS-32:89 dated 8-7-89 in the prescribed form in the form of application as circulated. This was duly forwarded by the Branch Manager Again he applied on 28-11-89 pursuant to the circular No. CHO/PAO/16/89 dated 19-10-89 and the same was forwarded by the Branch Manager of Puchrukhi branch to the Divisional Manager, Bhagalpur but when no result was obtained then the grievance was raised for getting proper redress by approaching the said State Secretary, UCO Bank Employees Association and they raised an industrial dispute before the ALC(C) Patna under the provision of the I.D. Act, 1947 on 9-1-1992 which ended having no result for the uncompromising attitude of the management and then a report was sent by the ALC(C) Patna to the Ministry of Labour, Govt. of India for reference considering the termination of the concerned workman to be retrenchment within the ambit of 2(oo) of I.D. Act since the concerned workman put in more than 240 days service in one year and as he was entitled to get relief under I.D. Act and also considering his retrenchment against the principles enunciated in the said Act. Ultimately the workman prays for his reinstatement and proper order.

The management in his reply in form of W.S.-cum-rejoinder has submitted that the concerned workman was temporarily provided with employment on 8-6-81 for a temporary period when his work required on daily wage basis and it is admitted in the W.S. that his initial engagement was for performing certain jobs of subordinate staff mostly for carrying letters and posting those in the Post Office and bringing drinking water from the Tubewell and storing them and for such work he used to get Rs. 5 per day only. It is stated by the management that his work is more or less of a part time Peon as locally named though there was no post of Peon in the Bank. It is admitted that he used to carry on the job of subordinate staff permanently engaged in the branch. It is admitted that thereafter he was engaged as casual temporary sweeper on 30-6-82 and he used to clean house and the premises on payment of contract basis at the rate of Rs. 2 per day prior to 13-6-82. He used to work as temporary casual worker receiving Rs. 7 and at that time he used to perform job like cleaning of table and chairs and dusting of almirah. It is stated further that the concerned workman did not find any interest in the job and he voluntarily relinquished the job without intimation to the management. Thereafter another

person was appointed as permanent part time sweeper to carry on the sweeping jobs of the Bank and the concerned workman never reported from duty since 30-4-83. All on a sudden he appeared in the year 1992 claiming this job and this delay itself debars him from getting any relief. It is stated that there was bipartite settlement between the management and the different unions and he does not fall within the clauses mentioned therein. So neither he was a workman nor he was retrenched from the services and thereby he is not entitled to get any relief.

6. In the rejoinder it is stated that he was truly speaking a casual sweeper part time worker having no permanency in his job and he was appointed as per rules. It is myth to say that he was verbally terminated from the services on and from 12-4-1983 as he was not a permanent staff nor he was posted as against permanent vacancy. He can never be considered to be a workman nor he comes within the ambit of the circular dated 9-10-89 and he actually voluntarily abandoned the services. So he cannot be covered under Section 2(oo) of the I.D. Act. It is also denied that he worked continuously for a period of 240 days in any calendar year. Thus, he is not entitled to get any relief as prayed for.

7. In the rejoinder the concerned workman practically repeated the same thing which he stated in his W.S. Only a different contention is that the management issued him a show cause in the month of January, 1982 though he was terminated long back and the said show cause is enclosed in the rejoinder and other facts stated in the rejoinder are denied. Again he stated that as there was no Peon in the said branch he used to perform the works of the Peon of different kinds as stated earlier and he is entitled to be regularised as class IV employees with back wages.

8. In the instant case both the parties have adduced oral evidence and have relied upon documentary evidence.

9. The main document upon which both the parties are banking their case is the Bipartite settlement dated 9-10-89 entered into between the management Bank and different union. The said settlement reflects how the casual workers would be absorbed and who would be absorbed and what would be their qualification and who would be entitled to get benefit of such clauses of settlement.

10. It is a settled principle of law that the workman includes the casual workers/temporary workers within the ambit of I.D. Act. In the instant case both from the W.S. of the parties as well as from the oral evidence of the parties it is not disputed that the concerned workman worked in the management Bank during the period

from 1981 to 1983 and this fact is admitted by MW-1J. C. Ghosh who happens to be an Officer of the management Bank at the present moment. It is also corroborated by Ext.M-1 where from it appears that in the year 1981 the concerned workman worked 159 days at Rs. 5 per day as casual worker. Similarly he also worked 295 days in the year 1982 as casual worker at the rate of Rs. 5 then Rs. 7 and then Rs. 2. Also he worked 95 days in the year 1983 before his dismissal or retrenchment from service.

11. His termination from the services can be termed to be retrenchment within the definition of 2(oo) as it covers under the definition of retrenchment for the reasons of termination by the employer of the services of a workman without assigning any reason.

12. The management has also relied upon Ext.M-2 and M-3 Ext.M1 and M-3 shows that the concerned workmen worked in the management bank and show cause notice was given both to the Manager and the concerned workman. In this case the Bipartite settlement which is an admitted one goes to show that a casual worker or any kind of worker who has completed 240 days of work before a consecutive day before promulgation of such settlement he would be regularised and their names would be in the panel on the basis of the criteria mentioned therein.

13. In the instant case I find some document which is not disputed by the management and which are on record that a certificate was granted in favour of the workman that he worked from 1-6-81 in the concerned bank and recommendation was made for making him permanent. Also there is certificate where from it appears that this concerned workman worked in the management from 8-6-81 to 11-4-83 on daily wage basis as office boy and he was very intelligent energetic and hard worker and also it is stated therin that he discharged his duties satisfactorily. Therefore, these documents are clear enough that this concerned workman completed 240 days work before promulgation of the Bipartite settlement.

14. It was argued that the concerned workman left the job in 1984 voluntarily and after coming into force of the Bipartite settlement he appeared in the scene and claimed for his job.

15. Even if it is accepted for the sake of argument we cannot ignore his claim as because this clause of settlement was not in existence while he was removed from the job. There is no whisper on the record that this concerned workman voluntarily relinquished the job. Rather it appears from the evidence that after him new persons were appointed and engaged for performing his job.

16. In the instant case nowhere it has been brought to the notice of this Court that this con-

cerned workman was engaged otherwise after 1983 and in that case it is hard to believe that now a days a man will voluntarily relinquish the job when with great difficulties a person gets job and who are in search of job under the peculiar trend of the present age.

17. It is not disputed, as it appears from the evidence of MW-1 that he used to work various types of jobs such as sweeping cleaning, supplying of tea and water and mail works as and when needed. It is also on record that he was paid through vouchers.

18. It is in the evidence of MW-1 that while he was in the concerned branch there was no Peon. Therefore, if this person is attached at the branch at the relevant moment it is not unexpected that he used to perform the job of the Peon as it is claimed by him.

19. Thus it is established *prima facie* that the concerned workman used to perform the work of a Peon including other works and nowhere it is on record that he worked for one or two hour in that case it can easily be presumed that he used to work in the Bank during the working hours and not for certain period as it was attempted to show at the time of hearing. Also we cannot ignore that the Branch Manager forwarded his application for absorption as a Peon with recommendation and in that case it may be well presumed that as the Branch Manager was satisfied with his job, he was recommended for absorption pursuant to his application through higher authority became annoyed to it and issued a letter in form of stricture against him.

20. Incidentally it may be pointed out that it is fantastic to think that this Bank management did not hesitate to take service of a person even after payment of Rs. 2 per day when they themselves agitate for higher payment, privileges and amenities and this is an example how a poor classes like Peon be forced to perform the job under oppression with a hope that he may get a job in future at much low payment and this is the tactics of the Bank management to take services and to throw him as and when necessary, taking advantage of their status and poverty.

21. Already Ext. M-1 shows that for the three years i.e. 1981, 1982 and 1983 this concerned workman remained in the services continuously for more than 240 days and thus it can be well founded that he can be considered to be a workman having his continuous service as defined under Section 25B of the I.D. Act and by stopping him from the services/work without any notice has violated the provisions of Section 25F of I.D. Act and I do not agree to the argument of the management that he left the job voluntarily in absence of any cogent material on record.

22. In view of such continuous work for more than 240 days during one year even his removal comes within the meaning of Section 2(oo) of the I.D. Act without complying with the principles laid down in Section 25F of the I.D. Act.

23. Therefore, relying upon the certificate given by the officers of the management and the period of work done by the concerned workman and the principles laid down in the settlement and also relying upon an unreported case bearing No. CW JC No. 11195 of 1994 decided by Hon'ble Mr. Justice A. K. Ganguly of Patna High Court, I hold that for discharging a job for a period of 240 days continuously during the year 1981 to 1983, he is entitled to get the benefit of the Bipartite settlement as referred to above and his name should be empanelled as he has the requisite qualification of passing Class VIII as it transpires from the evidence of the workmen and not denied by the management.

24. I have no hesitation to hold that inspite of his application and inspite of recruitment thereafter, admittedly a person from whom the services were taken even on payment of Rs. 2 per day he was not considered to be empanelled inspite of the recommendation of the Branch Manager where he worked. On the other hand the higher authority of the management gave a stricture to the Officer concerned who expressed the truth and this shows vindictive attitude of the higher official of the bank management and thus I am inclined to dispose of the reference in the following manner.

25. In view of the discussions made above it is held that the action of the management of UCO Bank in terminating the services of the concerned workman in the manner as done and refusing his claim is unjustified. But I refrain from giving any order of reinstatement to the said concerned workman right now nor I order to pay him any back wages but I direct the management to empanel his name in the existing panel if any or empanel him for his future absorption. The management is to inform the concerned workman about his position in the panel for future reference so that the concerned workman gets opportunity to follow up the same. The management will implement the award within one month from the date of publication and thereafter within three months the management should inform him about the position in the panel so far the concerned workman is concerned.

This is my Award.

D. K. NAYAK, Presiding Officer

नई दिल्ली, 12 फरवरी, 1996

का. आ. 562.—केन्द्रीय सरकार का समाधान हो गया है कि लोकहित में ऐसा अपेक्षित है कि शीशा खनन उद्योग में मेवाओं को, जिसे औद्योगिक विवाद अधिनियम, 1947

(1947 का 14) की प्रथम अनूसूची की प्रविष्टि 14 के अंतर्गत निर्दिष्ट किया गया है, उक्त अधिनियम के प्रयोजनों के लिए लोक उपयोगी सेवाएं घोषित किया जाना चाहिए;

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (३) के उपखंड (६) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए तत्काल प्रभाव से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[संख्या एस-11017/9/85-डी-1(ए) (II)]
एस. वेणुगोपालन, अवर सचिव

New Delhi, the 12th February, 1996

S.O. 562.—Whereas the Central Government is satisfied that the public interest requires that the Lead Mining Industry, which is covered by item 14 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947), should be declared to be a public utility service for the purposes of the said Act;

Now, therefore, in exercise of the powers conferred by sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declared with immediate effect the said industry to be a public utility service for the purposes of the said Act for a period of six months.

[No. S-11017/9/85-D.I(A)(II)]
S. VENUGOPALAN, Under Secy.

नई दिल्ली, 12 फरवरी, 1996

का. आ. 563.—केन्द्रीय सरकार का यह समाधान हो गया है कि लोकहित में ऐसा अपेक्षित है कि जिस खनन उद्योग में सेवाओं को, जिसे औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनूसूची की प्रविष्टि 15 के अंतर्गत निर्दिष्ट किया गया है, उक्त अधिनियम के प्रयोजनों के लिए लोक उपयोगी सेवाएं घोषित किया जाना चाहिए;

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (३) के उपखंड (६) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए तत्काल प्रभाव से छः महीने की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[म: एस - 11017/9/85 - डी - 1 (ए)]
एस. वेणुगोपालन, अवर सचिव

New Delhi, the 12th February, 1996

S.O. 563.—Whereas the Central Government is satisfied that the public interest requires that the Zinc Mining Industry, which is covered by item 15 of the First Schedule to the Industrial Dis-

pute Act, 1947 (14 of 1947), should be declared to be a public utility service for the purposes of the said Act;

Now, therefore, in exercise of the powers conferred by sub-clause (vi) of clause (n) of section (2) the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares with immediate effect the said industry to be a public utility service for the purposes of the said Act for a period of six months.

[No. S-11017/9/85-D.I(A)]
S. VENUGOPALAN, Under Secy.

नई दिल्ली, 13 फरवरी, 1996

का. आ. 564.—श्रौद्धोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कृष्णा माईन्स दिल्लीवेली के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रौद्धोगिक विवाद में केन्द्रीय सरकार श्रौद्धोगिक अधिकारण, मद्रास के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-1-96 को प्राप्त हुआ था।

[संख्या एल—29011/4/95—आई. आर. (विविध)
के. वी. बी. उन्नी, डैस्ट्रिक्ट अधिकारी]

New Delhi, the 13th February, 1996

S.O. 564.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Madras as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Krishna Mines, Tirunelveli and their workmen, which was received by the Central Government on 24-1-1996.

[No. L-29011/4/95-IR (Misc.)]
K. V. B. UNNY, Dtsk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU, MADRAS

Friday, the 15th day of December, 1995
PRESENT :

THIRU N. SUBRAMANIAN, B.A.B.I.,
INDUSTRIAL TRIBUNAL

INDUSTRIAL DISPUTE NO. 27/1995

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workmen and Management of Krishna Mines, Tirunelveli).

BETWEEN

The Workmen represented by
The General Secretary,
Indian Cements Employees Union,
293, Thalaivuthu Sankar Nagar,
Tirunelveli-627 357.

AND

The Manager,
Krishna Mines, 23,
Sripuram, Tirunelveli-627 001.

REFERENCE :

Order No. L-29011/4/95-IR (Misc.), dated
16-6-95, Ministry of Labour, Govern-
ment of India, New Delhi.

This dispute coming on this day for final dis-
posal, upon perusing the reference and other con-
nected papers on record and both the parties be-
ing absent, this Tribunal passed the following.

AWARD

This reference has been made for adjudication
of the following issue :—

“Whether the action of the Management of
Krishna Mines in not regularising the
services of 28 casual workers is justifi-
ed. If not to what relief they are entitl-
ed?”.

When the case was called at 10.45 a.m. there
was no representation for both. The case was pas-
sed over. Again the case was called at 4.30 p.m.
There was no representation for both. Both the
parties are not appearing from the date of 1st
hearing. Hence Industrial Dispute is dismissed for
default. No costs.

Dated, this the 15th day of December, 1995.

THIRU N. SUBRAMANIAN, Industrial
Tribunal.

नई दिल्ली, 13 फरवरी, 1996

का. आ. 565.—श्रौद्धोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार के स्टील शार्टिस्टी आफ इंडिया, धनबाद के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रौद्धोगिक विवाद में केन्द्रीय सरकार श्रौद्धोगिक अधिकारण, जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-1-96 को प्राप्त हुआ था।

[संख्या एल—29011/92/83—डी. III (वी.)]
के. वी. बी. उन्नी, डैस्ट्रिक्ट अधिकारी

New Delhi, the 13th February, 1996

S.O. 565.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Steel Authority of India Kushteshwar Limestone Mines, Dhanbad and their

workmen, which was received by the Central Government on 24-1-1996.

[No. L-29011/92/83-DIII(B)]
K. V. B. UNNY, Desk Officer
ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT JABALPUR (MP)

Case Ref. No. CGIT/LC(R)(10)1984

BETWEEN :

Workmen through the President, Bokaro Steel Limestone Mining Workers Union, Shram Dham, Kymore District Jabalpur (M.P.)

AND

The Managing Director, Steel Authority of India, Kuteshwar Limestone Mines of Bokaro Steel Plant, Bokaro Steel City, Dhanbad (Bihar)

PRESIDED IN : By Shri Arvind Kumar Awasthy.

APPEARANCES :

For Union Shri S.K. Rao, Advocate
For Management : Shri P.S. Nair Advocate.

INDUSTRY : Limestone Mine DISTRICT :
Jabalpur (MP).

AWARD

DATED : JANUARY 5, 1996.

This is a reference made by the Central Government, Ministry of Labour, New Delhi, via its Notification No. L-29011/92/93-D.III(B) Dated 4-2-1984, for adjudication of the following industrial dispute :—

SCHEDULE

“Whether the management of Kuteshwar Limestone Mines, P.O. Gairtalai, Dist. Jabalpur (M.P.) of Bokaro Steel Plant under the Steel Authority of India Ltd., are justified in not extending the benefits arising out of the Memorandum of Settlement dated 25-5-83 of National Joint Committee for Steel Industry to the workmen employed through contractors in Kuteshwar Limestone Mines ? If not to what relief are the workmen concerned entitled ?”

2. The case of the Union is that the management of Kuteshwar Limestone Mine, Gairtalai is owned and operated by the Bokaro Steel Plant which is one of the wings of the Steel Authority of India Ltd.; that the workers are working with the Company and with the contractors since last 10

years and the management through the contractors are issuing the instructions for the allotment of the duties and the jobs to the workmen; that the Bokaro Steel Plant is the principal employer; that the nature of job done by the workmen is similar to that of the departmental workers or regular workers thereof; that the workmen are deemed to be permanent employee of Kuteshwar Limestone Mines and as per Agreement between the management and the workers reached before the Regional Labour Commissioner vide Agreement dated 25-5-83 these workmen be treated as permanent workers of Kuteshwar Limestone Mines. The workmen have prayed that the action of Bokaro Steel Plant in not extending the benefit arising out of the Memo of Settlement dated 25-5-83 is not justified. The workmen of Kuteshwar Limestone Mine employed through the contractors are entitled to the benefits which are given to the permanent workers employed therein.

3. The case of the management is that as per Agreement dated 27-10-1970 and 30-7-1975 which were at the National Level of the Steel Industry and the Unions, the workmen engaged by the contractors were not entitled to be treated as employees employed by the management; that in the similar reference bearing on CGIT/LC(R)(10)81 vide Award dated September 25, 1982 the impugned terms of reference was answered in favour of the management and as such the dispute cannot be re-agitated and it is barred by the principles of Res judicata.

4. Terms of reference are made the issue in the case vide order dated 6-2-1985.

5. The workmen was directed to lead evidence and the workmen failed to produce the witnesses inspite of the repeated adjournments. However, on 30-6-87, the workmen prayed for a date to produce the witnesses and since then last more than seven dates & inspite of enumerable opportunities to the workmen to examine the witnesses, the workmen failed to adduce the evidence. The workmen remained absent on the date of evidence i.e. 1-11-95 and the case was closed for award.

6. The initial burden was on the Union to prove that the workmen were working on the instructions of the management through the contractors and as per definition of Sec. 2 of the Mines Act the management was the principal employer of the workmen. Unless the workmen prove that the management was their principal employer, the workmen are not entitled for any relief from the Bokaro Steel Plant of Steel Authority of India Ltd. and the workmen will be deemed to be the employees of the contractors. The Ministry of Labour made the similar reference vide letter dated 16-7-81 and the Award dated September 25, 1982 was passed in case No. CGIT/LC(R)

10) 81, published by the Ministry of Labour, the notification dated 30-10-1982 (Marked as Annexure 1) which was answered in favour of the management. The Union is making an attempt to reagitate the similar dispute and it is barred by the principle of constitutive Res judicata.

7. Award from this, Agreement arrived at between the management and the various trade unions reached at National Level on 27-10-1970 and subsequently on 30-7-1975 envisages that the benefits extended to the contractors workmen will

not be extended to the employees of the Steel Authority of India. Consequently, the reference is not maintainable either on facts or in view of the alleged Agreement and also due to the principles of constructive Res judicata.

7. Reference is answered in negative and in favour of the management. Parties to bear their own costs.

ARVIND KUMAR AWASTHY, Presiding Officer

